APPENDIX
SELF-REGULATION GUIDELINES FOR THE BROADCASTING SECTOR
(DRAFT 2008)

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A. Introduction

1. A need has been felt to regulate the content going into public domain to ensure conformity with acceptable contemporary community standards and to protect the vulnerable sections from harmful and undesirable content on TV.

2. These Self Regulation Guidelines (Guidelines) set out principles, guidelines and ethical practices, which shall guide the Broadcasting Service Provider (BSP) in offering their programming services in India so as to conform to the Certification Rules prescribed under the Cable Television Networks (regulations) Act 1995, irrespective of the medium/platform used for broadcasting of the programme.

3. These Guidelines have been drafted to introduce greater specificity and detail with a view to facilitate self regulation by the broadcasting industry and minimize scope for subjective decision by regulatory authorities or the broadcasting service providers. The basic underlying principles of these Guidelines is that the responsibility of complying with the provisions of the Certification Rules vests with the BSP.

4. The principles in these Guidelines are sought to be implemented at the first instance through a self-regulatory mechanism of the BSP. Regulation by 'forbearance', as present in the telecommunications industry, shall guide the Broadcasting Regulatory Authority of India (BRAI) whilst enforcing adherence by the BSP, with the guidelines. Such self-regulatory mechanism shall be subject to a credible and time bound default/ grievance redressal mechanism, which shall function under the guidance of the BRAI.

5. The BRAI may offer general guidance on the interpretation of the Guidelines. However, any such advice is given on the strict understanding that it will not affect its discretion to judge cases and complaints after broadcast/transmission and will not affect the exercise of its regulatory responsibilities. The BSP should seek its own legal advice on any compliance issues that may arise.

6. As the Guidelines are based on self-regulation, these set out the factors, which should be taken into account by the BSP when forming a view about the acceptability of any programme.

7. These Guidelines do not profess to address every case that may arise. The BSP may face a number of individual situations, which are not specifically referred to therein. The principles, as outlined in the following sections, should make clear what the Guidelines are designed to achieve and help the Service Provider make the necessary judgments.

8. The BSP has to adhere to the Certification Rules under the Cable Television Networks (Regulation) Act, 1995, which are in addition and not in derogation of the Drugs and Cosmetics Act 1940, the

B. Principles

9. These Guidelines are intended to guide the BSP and are based on enduring principles; that all programming should not mislead, cause offence, or lead to harm, particularly to the vulnerable.

10. For the purposes of the Guidelines, “Programme” in relation to a broadcasting services, means, any television or radio broadcast and includes:

- Exhibition or films, features, dramas, news, advertisements, promos, trailers, songs, music videos and serials through video/audio cassette recorder or video/audio cassette players
- Any audio or visual or audio-visual live performance or presentation and the expression “programming service” shall be construed accordingly, but does not include any matter that is wholly related to or connected with any private communication.

11. This section should be read in conjunction with Certification Rules. Basic principles of these Guidelines are the following:

a. Programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or offending the audience.

b. Each BSP shall categorize each of their programs based on its theme, subject-matter treatment, language and audio visuals presentation and slot it accordingly. The BSP will ensure that all programmes broadcast are in accordance with scheduling as per Certification Rules.

c. The BSP should take reasonable steps to protect minors. The BSP should be vigilant in gaining an understanding of how material shown on television could impact the development of minors. Minors cover a wide age group and levels of maturity. It is therefore necessary for the BSP to exercise judgment on the capacity of minors in different age groups in coping with the depiction and treatment of material, which may not be suitable for them.
d. There is a progressive decline in the proportion of minors present as television audience through the evening and during the night. The restrictions on the broadcast of programmes unsuitable for minors should be relaxed on a gradual and progressive basis after 8 pm. The assumption is that after 8 pm parents are expected to share responsibility for what their children are permitted to watch on television.

e. By and large, the Certification Rules shall uniformly apply to all types of BSPs. However, for News and Current affairs (N & C A) programming, it is desirable that BSPs edit the content as well as carry prominent warnings and suitably mask any portions of news or current affairs scenes considered unsuitable for viewing in accordance with the certification norms for scheduling them for broadcast in its News bulletins throughout the day.

f. Television news has greater reach and impact than other media. It is instantly available in millions of homes to both the discerning as well as the non-discerning audiences. With ever increasing number of round the clock news channels and the intense competition among them for the viewership as well as changing priorities as to what constitute news, news and current affairs contents of television call for some discipline with specific guidelines. We need to be aware that a damage or injustice resulting from news and current affairs contents of television cannot be undone post facto. Hence, there is a need for having separate and transparent guidelines for news programming that need to be followed scrupulously by all.

C. Self Regulation Mechanism

12 This section sets out the mechanism for self-regulation of content. Self-regulation shall operate at two levels – at the BSP level and the Industry level. These are described below:

First tier of self-regulation – At the BSP level

a) It shall be the individual responsibility of each BSP to ensure compliance with the Certification Rules prescribed under the Cable Television Network (regulation) Act 1995 and the Rules made there under, the principles and all relevant clarification, guidelines and interpretations, standards and norms prescribed by the Central Government or the BRAI.

b) Every BSP should have its own internal mechanism to comply with the Certification Rules for which it may appoint one or more Content Auditors of requisite qualification and experience Head (Standard & Practices) of a BSP may also be treated as Content Auditor for the purposes of this Regulation. Each BSP shall provide details of its Content Auditor's on its own website and channel for information of the public. This information will also be notified to the Ministry of I&B and BRAI who will post the same on their respective
websites also. This person/s shall also be the contact point for any feedback or complaint etc. from the public regarding content violations.

c) For the purposes of ensuring compliance with the Certification Rules, each BSP may develop its own internal guidelines and procedures. However, each BSP shall consult its Content Auditor/s for assigning appropriate categorization as per Certification Rules in respect of each program/advertisement. The BSP will also refer to the Content Auditor/s public complaints against content to satisfy itself with regard to compliance with all the relevant legal and administrative requirements under various statutes and regulations having a bearing on content.

d) The Chief Editor of the channel by whatever designation he is known in the BSP, shall be responsible for the final decision to accept or modify the guidance given by the Content Auditor/s and to schedule and broadcast the program. The Chief Editor of the channel will be finally responsible for self-regulation and ensure that the programmes are consistent with the Certification Rules and comply with all other legal and administrative requirements under various statutes in respect of content broadcast on the channel.

e) Any BSP may broadcast live/interactive programs/advertisements in which the public or invited guests may participate, whose gestures or utterances may not be possible to predict and which may violate the Certification Rules. In all such cases, the Chief Editor of the BSP should satisfy himself that adequate briefing is given to the participants about the certification norms and indemnify the BSP against any deliberate violations by the guests/participants. It would be treated as sufficient compliance of the Certification Rules if the anchor at the end of the show sums up the proceedings giving a balanced view of the discussion and states that the views expressed by the participants were their own.

Duties of the Content Auditor

(i) The Content Auditor shall ensure that the BSP is in compliance with the Certification Rules.

(ii) The Content Auditor shall be the point of contact for any issues, complaints in relation to any programmes or advertisement broadcast by the BSP.

(iii) The Content Auditor will be responsible for examining all the programs and recommending appropriate categorization as per Certification Rules in respect of each program/advertisement.

(iv) The Content Auditor will examine public complaints against content and guide the BSP to satisfy itself with regard to compliance with all the relevant legal and administrative requirements under various statutes and regulations having a bearing on content.

(v) The Content Auditor shall bring to the notice of the Chief Editor of the BSP, by whatever designation he is called, any violation of the Certification Rules or other statues, which requires to be rectified. The ultimate decision in such matter shall be the responsibility of the Chief Editor.
(vi) The Content Auditor shall not be held personally liable for any violation of the Certification Rules and it will be only the Chief Editor of the BSP who will be liable for any non-compliance.

Second Tier of Self-Regulation Mechanism – the Industry Level

13. In order to provide a self-regulation mechanism to the industry and a complaint redressal mechanism to the viewers and listeners against alleged violations of the Certification Rules, the Central Government or the BRAI may authorize industry-segment level organization to set up their respective Broadcasting Consumers’ Complaints Committees (BCCC). Such BCCCs shall consist of professional experts with adequate representation from the relevant industry segments, the Consumers or other civil society organization as well as eminent person with legal or regulatory experience, to adjudicate on public complaints or appeals. Such BCCCs may be set up – one each in respect of content in the following areas:

a) Broadcast of Films: The Cinematograph Act prescribes that all films shall be previewed and certified by the Central Board of Film Certification (CBFC), which is usually headed by an eminent film personality and other persons from different walks of life. The CBFC certifies every film as suitable for viewing by various categories of viewers as per the Certification Guidelines under the Cinematograph Act. The existing procedure of preview and certification by CBFC shall continue to be followed for films/trailers/promos etc. even when these have to be broadcast on the television or radio. It is, therefore, incumbent on the BSP to comply with prior certification procedure in the case of broadcast of films/trailers/promos etc.

b) Broadcast of Advertisements: The Advertising Standards Council of India (ASCI) has already a self-regulatory body called the Consumers’ Complaints Committee (CCC). The ASCI has also developed an advertising code to be followed by all advertisers, which has been recognized for compliance with by all broadcasters/Cable operators etc. It will be the responsibility of the BSP to have its Content Auditor preview each advertisement to certify that its content complies with ASCI code.

c) Broadcast of Programs: The Central Government nominates the following industry-level representative bodies to set up Consumers' Complaint Committees on the lines of the CCC of ASCI to develop their own respective mechanisms for preview of content, if required, as well as adjudicate on public complaints within the prescribed time.

i. Indian Broadcasting Foundation (IBF) : for the television channel operators broadcasting their channels on cable & satellite/DTH/Mobile Phone etc. networks.
ii. News Broadcasting Association (NBA) for: News & Current Affairs Broadcasters

iii. The Multi Service Operators Alliance (MSO Alliance): for the Multi Service Operators

iv. Cable Operators' Federation of India (COFI): for the Local Cable Operators who may acquire or produce their own content and transmit it as their own video/radio/cable channels in their respective cable TV networks, in addition to re-transmitting television broadcasters' channels.

v. The Association of Radio Operators of India (AROI): for the radio operators who are responsible for the content on their satellite and terrestrial channels.


vii. Prasar Bharati: for Doordarshan and All India Radio. Prasar Bharati may set up an internal complaint redressal body on the lines of CCC of ASCI.

Powers and Functions of the Broadcasting Consumers' Complaints Committees (BCCCs):

14. The Broadcasting Consumers' Complaints Committee of ASCI/IBF/NBA/MSO Alliance/COFI/AROI/CRF/PB or any such organization as may be notified by the Central Government of the BRAI, shall have the following powers and functions in respect of complaints of disputes on content between consumers i.e. viewers or listeners and any BSP in their respective industry segment, irrespective of its membership of the ASCI/IBF/NBA/MSO Alliance/COFI/AROI/CRF/PB as the case may be:

a. To receive appeals/complaints or grievances regarding a programme or an advertisement broadcast by a BSP.

b. To requisition tapes of any program or advertisement as deemed necessary. The BSP and the advertiser shall be obliged to supply the same in a maximum period of 5 working days. Notwithstanding the license condition of preserving the tapes for 90 days after the broadcast, it shall be incumbent upon the BSP to retain the tapes till final disposal of complaints.

c. To consider such appeals/complaints and facilitate their settlements by passing a reasoned decision in writing within 60 (sixty) days of receipt of the said appeal/complaint.

d. To function in consonance with the principles of natural justice and give its decisions based on the written statement.
filed by a complainant and after providing a reasonable opportunity.

e. If the concerned BCCC or any such organized as notified by the Central Government or the BRAI (as the case maybe) considers that the BSP is at defaults, it may:

(i) Direct the BSP not to telecast objectionable programme or advertisement pending decision;

(ii) Direct the BSP to make suitable edits to the advertisement or the programme, as the case maybe, so as to comply with the Certification Rules;

(iii) Direct that such an advertisement or the programme, as the case maybe, shall not be broadcast by any BSP;

(iv) Direct the BSP to broadcast an apology/disclaimer/warning in a suitable manner as may be prescribed by it;

(v) Order any other punitive action in accordance with the constitution of the BCCC of the ASCI/IBF/NBA/MSO Alliance/COFI/AROI/CRF/PB and the rules or regulations made thereunder.

(vi) Pass any other orders as it may deem fit.

f. Send a copy of the order passed by it to the complainant and the BSP as well as post it on their web site, and maintain an updated list of all such orders passed.

g. Report to the Central Government or the BRAI, as the case may be, any non-compliance of its orders without reasonable cause, for suitable punitive action under the relevant laws, rules, guidelines, license conditions etc.

h. Exercise such other powers as may be granted by the Central Government or the BRAI from time to time.

i. Undertake necessary steps to enhance the understanding and awareness of the Certification Rules and these Guidelines. They will also inform the public of their role in the content regulation mechanism.

j. Recommend to the Central Government or the BRAI amendments, amplification or clarifications to the Certification Rules or these Guidelines on the basis of the nature of issues raised before them in the course of adjudication on the complaints or appeals received by them.

D. Complaint Redressal Procedure
15. Complaint before the BSP/BCCC: Any person or a group of persons may, either individually or jointly, file a complaint against any firm, program or advertisement broadcast on any of the television or radio channels on any platform or network in India for specific violations of the Certification Rules. Every such complaint may be filed either directly with the concerned BSP or with the relevant CCC of the industry segment to which the concerned BSP belongs, provided that no complaint may be entertained by the BSP if it is filed with the BSP after 30 days from the date of the last broadcast of the alleged offending film, program or advertisement, as the case may be. However, in all cases, an individual or a group of individuals can directly submit a complaint to the BCCC of the relevant industry segment within 30 days of the date of last broadcast of the alleged offending film, program or advertisement. However, the time limit for filing the complaint may be condoned at the discretion of the BSP or the concerned BCCC, as the case may be, for reasons to be recorded in writing.

16. Every complaint against violations of Certification Rules received by the BSP should be disposed off by it within ten working days under written intimation to the complainant. Consequently, the BSP may:

b. take the particular program off air or

c. modify its content for future and remedy the wrong impression that may have been created in the minds of the public or

d. tender an apology in a suitable manner or

e. inform the complainant of its decision to reject the complaint for reasons to be conveyed in writing.

17. Appeal/Complaint before the BCCC: The concerned complainant shall have the right to file an appeal against the decision of the BSP before the BCCC of the industry-segment level representative body within 30 days of the receipt of such a decision from the BSP.

18. Upon receipt of a direct complaint or an appeal against the decision of the BSP, the concerned BCCC shall first ascertain whether the BSP against whom the complaint or the appeal has been filed is under its jurisdiction. If not, the BCCC shall forward the complaint or the appeal, as the case may be, to the relevant BCCC under written intimation to the complainant/s and the concerned BSP.

19. If the complaint or the appeal is within its jurisdiction, the BCCC of the relevant industry segment, may, after giving a reasonable opportunity to the BSP, pass or refuse to pass, an interim order as deemed proper, including directing the BSP to take the alleged offensive content off air, pending final decision on the complaint or
the appeal. The BSP shall be obliged to abide by the said interim order.

However, the complainant or the BSP, as the case may be, may pursue further appellate remedies against such an interim order.

20. The BCCC of the relevant industry-segment level body shall finally dispose of a complaint or an appeal received by it within 60 days from the date of its receipt and pass such order as it deems fit in accordance with the powers vested in it by the Central Government or the BRAI as the case may be.

21. Appeal/Complaint before BRAI: The BSP or the complainant/s that may be aggrieved by an interim or the final order of the concerned BCCC may prefer an appeal before the BRAI within 30 days of receipt of such an order. In case a complaint is directly received by the BRAI, it shall refer such a complaint to the concerned BCCC of the industry-segment level organization to which the BSP belongs in all ordinary cases. However, the BRAI shall have the right to take suitable action itself, either suo-motu or on receipt of a complaint alleging serious violation of the Certification Rules that may have repercussions on the security or integrity of the country or contravene restrictions under Theme 6 (Religion & Community) or Theme 9 (General Restrictions) of the Certification Rules.

22. During the pendency of the appeal/case before the BRAI, the BSP or the complainant/s may seek interim directions from the BRAI, including against the interim or final orders passed by the concerned BCCC. The BRAI may pass any of the following interim orders, pending final disposal of the case before it, after giving a reasonable opportunity to the BSP:

i. Direct the BSP not to telecast objectionable program or advertisement pending final decision; or

ii. Direct the BSP to make suitable edits to the advertisements or the programme, as the case maybe, so as to comply with the Certification Rules; or

iii. Direct that such an advertisement or the programme, as the case maybe shall not be broadcast by any BSP; or

iv. Direct the BSP to broadcast an apology/disclaimer/warning in a suitable manner as may be prescribed by it; or

v. Pass any other order as it may deem fit.

A copy of the order passed by BRAI shall be sent to the complainant, the BSP and to the concerned BCCC or any such organization as notified by BRAI. The BRAI should maintain an updated list of such order passed on their web-site.
23. The BRAI may finally dispose off a complaint or an appeal received by it and pass such order as it deems fit, including the prescribed penalties in accordance with the powers vested in it by the Central Government, after giving a reasonable opportunity to the concerned party.

Appeal before FCAT: A BSP or a complainant, who is aggrieved by the order of the BRAI, may prefer an appeal before Film Certification Appellate Tribunal or any other authority as may be notified by the Central Government in this regard, within 30 days of the receipt of the impugned order.
CONTENT CERTIFICATION RULES, 2008
(These rules shall replace Rules 6 & 7 of the Cable Television Networks Rules, 1994).

CHAPTER-I

DEFINITIONS

“Categorization” of a programme implies calibration of a program according to theme, subject matter treatment and audio visual depiction suitable for the four categories of ‘U’, ‘U/A’, “A” and ‘S’ programs. All programmes/scenes/advertisements will be categorized based on the following:

Theme: Subject matter, topic or idea of content

Subject matter treatment: the treatment given to the overall theme keeping in view the 'Likely impact' among viewers or listeners.

Audio visual presentation: On screen/ on air presentation of the theme.

“Category U” These programmes are suitable for all ages and suitable for unrestricted viewing.

“Category U/A” These programmes contain material unsuitable for children less than 12 years of age. These are for restrictive viewing only by adults or by minors above the age of 12 years under parental guidance.

“Category A” Programmes are meant for mature audience only – These programs are meant to be viewed by adults and, therefore, may be unsuitable for children under 18 years.

“Category S” Films or programmes under special category on scientific, technical or medical subjects are restricted to members of any profession or any class of persons (such as Doctors, etc), as may be certified by the Central Board of Film Certification.

“Defamation” : It will have the same meaning as given in the Indian Penal Code (IPC)

“Depiction of cruelty to animals” means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image or sound recording, of conduct in which a living animal is intentionally harmed, maimed, mutilated, tortured, wounded or killed or any other such conduct that is illegal under the animal-protection laws.

“Identifiable larger public interest” include revealing or detecting crime or disreputable behaviour; protecting public health or safety; exposing misleading claims made by individuals or organizations; or disclosing significant incompetence in public office for the larger public interest.

“Libel”: A published (including broadcast) false statement that is damaging to a person’s reputation; a written defamation.
“**Pornography**” means Description or depiction of sexual acts or naked people in a way that is intended to cause sexual excitement but would be considered of no artistic value or unpleasant or offensive by most people.

“**Slander**”: The action or crime of making a false spoken statement damaging to a person’s reputation

“**Suffering**” shall mean and include physical or mental pain or distress or trauma caused to a human being or an animal by mistreatment.

“**Trophy**” means the whole or any part of any captive animal or wild animal that has been kept or preserved by any means, whether artificial or natural, and includes:

1. Rugs, skins and specimens of such animals mounted in whole or in part through a process of taxidermy; and
2. Antlers, horns, hair, feathers, nails, teeth, musks, eggs, nests, rhinoceros horn.

“**Violence**” means any overt depiction of a credible threat of physical force or the actual use of such force intended to physically harm an animate being or group of beings and includes domestic violence and all kinds of sexual harassment and torture in word, gesture or action. Violence also includes certain depictions of physically harmful consequences against an animate being or group that occur as a result of unseen violent means.

“**Warranted**” means that where broadcasters wish to justify an infringement of privacy as warranted, they should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing incompetence that affects the public.
CHAPTER-II

1. Scheduling Rules

1. The Broadcast Service Provider (BSP) shall ensure that all programmes are categorized as follows:

(a) Category ‘U’ for programmes which are suitable for unrestricted viewing by all viewers;

(b) Category ‘U/A’ or ‘PG’ for programmes which are suitable for restricted viewing only by adults or by minors above the age of 12 years under parental guidance

(c) Category ‘A’ for programmes which are suitable for restricted viewing only by adults above the age of 18 years.

(d) Category ‘S’ for scientific, technical and medical programmes or films which are suitable for restricted viewing by professionals or a class of persons for professional or educational purposes.

2. The BSP shall broadcast each category of programme in accordance with scheduling set out below:

<table>
<thead>
<tr>
<th>S. No</th>
<th>Category of Programme</th>
<th>Scheduling of programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Categories ‘U’ &amp; ‘S’</td>
<td>At all times</td>
</tr>
<tr>
<td>2.</td>
<td>Category ‘U/A’</td>
<td>8:00 pm to 4:00 am</td>
</tr>
<tr>
<td>3.</td>
<td>Category ‘A’</td>
<td>11:00 pm to 4:00 am</td>
</tr>
</tbody>
</table>

Provided that the BSP shall ensure that programmes of ‘adult’ genre are edited to fit Category ‘A’ in conformity with restrictions given in the Categorization System.

Provided further that for News and Current Affairs (N & C A) programming, the BSP shall carry prominent warnings and appropriately mask such news coverage scenes as are not in accordance with the above scheduling, before broadcasting them in News Bulletins.

3. Notwithstanding anything contained in any other rules or regulations in force for the time being, the BSP shall obtain prior certification from the CBFC or any other authority as may be authorized by the Central Government or the BRAI, for:

“All films (including foreign films, music videos, albums, trailers, promos, songs etc)”. 
And shall broadcast them on television or radio only after such certification and shall schedule them consistent with their certified categorization as above.
CHAPTER-III

Categorization System

Except in cases where preview and certification by the CBFC or any other-competent authority is prescribed, all content i.e. every film, programme or advertisement shall be self-certified by a Broadcasting Service Provider (BSP) under any one of the categories on the basis of the subject matter treatment and audio-visual presentation of various themes as may be prescribed from time to time. While each film, programme or advertisement shall be certified and given an overall categorization by the CBFC or the BSP or any other competent authority, as the case may be, each scene or dialogue shall be scrutinized for its conformity to the norms prescribed for various themes given below. It is mandatory that each and every scene or dialogue is adjudged ‘U’ to obtain overall ‘U’ certification. Any content that violates the prescribed restrictions may be refused certification by the CBFC or the BSP or any other competent authority for reasons to be recorded in writing and after giving a reasonable opportunity to the applicant/content provider to explain his position or make suitable modification in the content.

News & Current Affairs (N & CA) programming shall be governed by Chapter- IV in addition to the contents of this Chapter.

All other content shall be categorized in accordance with the following norms:

<table>
<thead>
<tr>
<th>14 Theme 1: Crime &amp; Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Matter Treatment:</strong> While the overall theme, storyline and characterization may justify one or more specific scenes of crime or violence, the subject-matter treatment of such content under all categories shall not:</td>
</tr>
<tr>
<td>1. Induce, incite, encourage, justify, reinforce or glorify violence or terror or its perpetrators or contain anything against the maintenance of law and order or promote anti-national attitudes.</td>
</tr>
<tr>
<td>2. Present violence as glamorous or an acceptable solution to human conflict.</td>
</tr>
<tr>
<td>3. Incite violence against specific groups identified by race, national or ethnic origin, colour, class, religion, gender, sexual orientation, age or mental or physical disabilities.</td>
</tr>
<tr>
<td>4. Present criminality as desirable and / or glamorous.</td>
</tr>
<tr>
<td>5. Endanger human lives or prejudice the success of attempts to deal with a hijack or &quot;hostage&quot; or kidnapping crisis or a law &amp; order situation or any other security-related or criminal investigation.</td>
</tr>
<tr>
<td>6. Have a traumatic, desensitizing or dehumanizing effect that could lead to psychological disorders or unsocial attitudes or behavior, particularly among minors.</td>
</tr>
</tbody>
</table>
7. Encourage emulation of criminal or violent behavior.

8. Provide opportunities to copy the modus operandii of criminals and thereby encourage commission of any offences or crimes.

9. Encourage the possession of wildlife as trophies.

**Audio – Visual Presentation:** The audio visuals presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in respective categories below:

<table>
<thead>
<tr>
<th>Category ‘U’</th>
<th>Category ‘U/A’</th>
<th>Category ‘A’</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Explicitly depict excessive or gruesome crime or violence.</td>
<td>a) Excessively explicit or gruesome crime or violence.</td>
<td>a) Prolonged or frequent close-up shots of gruesome crime or violence.</td>
</tr>
<tr>
<td>b) Explicitly portray eccentric or abnormal type of violence or extremely dangerous behavior.</td>
<td>b) Excessively explicit portrayal of eccentric or abnormal violence or dangerous behavior.</td>
<td>b) Prolonged or frequent portrayal of explicit eccentric or abnormal violence or dangerous behavior.</td>
</tr>
<tr>
<td>c) Show excessive blood or gore, dismembered or disfigured limbs or bodies.</td>
<td>c) Close-ups or prolonged shots of dismembered or disfigured limbs or bodies.</td>
<td>c) Prolonged close-up shots of blood and gore or dismembered or disfigured limbs or bodies.</td>
</tr>
<tr>
<td>d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents.</td>
<td>d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents.</td>
<td>d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents.</td>
</tr>
<tr>
<td>e) Depict explicit cruelty or violence towards animals (whether live or simulated) or whose production may subject animals to excessive pain, fear, or suffering.</td>
<td>e) Depict explicit cruelty or violence towards animals, or whose production may subject animals to excessive pain, fear or suffering.</td>
<td>e) Prolonged or frequent depiction of simulated explicit cruelty or violence towards animals, or whose productive may subject animals to excessive pain, fear or suffering.</td>
</tr>
<tr>
<td>f) Show details of methods of suicide or self harm.</td>
<td>f) Show details of methods of suicide or self harm.</td>
<td>f) Show details of methods of suicide or self harm.</td>
</tr>
</tbody>
</table>
**Theme 2: Sex, Obscenity & Nudity**

**Subject Matter Treatment:** While subjects of themes exploring human relationships may include sexual relations, the subject-matter treatment of such content under all categories shall not:

1. Be adult oriented and focus on themes such as incest, paedophilia, or other perverted or socially unacceptable practice of any kind or encourage, justify or glorify such practices except under ‘A’ category.
2. Incite or encourage viewers to obscene or indecent behavior or breach of law.
3. Present sex, nudity, kissing or offensive behavior or language so as to glorify, encourage or justify indecent or obscene behavior.
4. Present the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to woman or depict women as mere objects or symbols of sexual desires or behavior.

**Audio – Visual Presentation:** The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in respective categories below:

<table>
<thead>
<tr>
<th>Category ‘U’</th>
<th>Category ‘U/A’</th>
<th>Category ‘A’</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Included coarse or abusive language or contain double meaning dialogues bearing sexual connotations.</td>
<td>a) Highly coarse language with explicit sexual connotations.</td>
<td>a) Prolonged or frequent use of highly coarse language or dialogues with explicit sexual connotations.</td>
</tr>
<tr>
<td>b) Show nudity, in any manner, of or full female breast/s either explicitly or through thinly veiled or revealing or suggestive clothing.</td>
<td>b) Show nudity, with full exposure of lower abdomen or sexual organs or posterior or full females breast/s.</td>
<td>b) Show complete nudity with full exposure of sexual organs or full female breast/s</td>
</tr>
<tr>
<td>c) Show kissing on the lips or kissing or fondling of female breasts or human or animals sexual organs.</td>
<td>c) Show kissing on the lips or kissing or fondling of female breasts or human or animal sexual organs.</td>
<td>c) Prolonged or passionate kissing on the lips or fondling of females breasts or human or animal sexual organs.</td>
</tr>
<tr>
<td>d) Show crude gestures or movements or include sound suggestive or sexual activity.</td>
<td>d) Close-up shots of indiscreet or crude gestures or movements or sounds, suggestive of sexual activity.</td>
<td>d) Prolonged or</td>
</tr>
<tr>
<td>e) Show explicit images of</td>
<td>e) Show explicit images of sexual activity or</td>
<td></td>
</tr>
</tbody>
</table>

A18
<table>
<thead>
<tr>
<th>e) Show explicit images of sexual activity or sexual perversions or violence including rape, molestation etc.</th>
<th>f) Show pornography</th>
<th>f) Show pornography</th>
</tr>
</thead>
<tbody>
<tr>
<td>frequent depiction of crude or indiscreet gestures or movements or sounds suggestive of sexual activity.</td>
<td>sexual perversions or violence including rape, molestation etc.</td>
<td>sexual activity or sexual perversions or violence including rape, molestation etc.</td>
</tr>
<tr>
<td>f) Show pornography</td>
<td>f) Show pornography</td>
<td>f) Show pornography</td>
</tr>
</tbody>
</table>
**Theme 3: Horror & Occult**

**Subject Matter Treatment:** While subjects or themes dealing with exorcism, the occult, the paranormal, divination, human or animal sacrifice or such other practices depicting horror may be covered only in 'A' category provided the storyline or the characters justify these and the subjects matter treatment does not in any way:

1. Justify, encourage or glamorize such practices
2. Instill fear or revulsion about the consequences of not following such practices
3. Encourage blind belief or superstitions in the efficacy of such practices
4. Enable the viewer to emulate such practices or learn their details or sources.
5. Depict women as witches in programs on occult

**Audio – Visual Presentation:** The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in respective categories below:

<table>
<thead>
<tr>
<th>Category 'U'</th>
<th>Category 'U/A'</th>
<th>Category 'A'</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Depiction of horror or violence related to occult, exorcism, the paranormal, divination or human or animal sacrifice or other such practices.</td>
<td>a) Prolonged, frequent or gratuitous depiction of horror related to the occult, exorcism, the paranormal, divination or human or animal sacrifice or other such practices.</td>
<td>a) Prolonged, frequent or gratuitous depiction of excessive horror related to the occult, exorcism, the paranormal, divination or human or animal sacrifice or other such practices.</td>
</tr>
<tr>
<td>b) Depiction of such practices in such morbid details so as to make them look realistic and efficacious.</td>
<td>b) Depiction of such practices in such morbid details so as to make them look realistic and efficacious.</td>
<td></td>
</tr>
</tbody>
</table>
c) Use of formats such as song or dance sequences that glamorize or highlight the evil effects of such practices

<table>
<thead>
<tr>
<th>Theme 4: Drugs, Smoking, Tobacco, Solvents &amp; alcohol</th>
</tr>
</thead>
</table>
| **Subject Matter Treatment:** While use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents, may be shown only under 'A' category if the theme, storyline or the characters justify these, provided the subject-matter treatment shall not in any way:

1. Justify, promote, encourage or glamorize use or misuse of such products
2. Enable the viewers to learn and emulate various ways of their abuse or misuse
3. Omit to highlight their ill effects on personal health or social behaviour or criminal tendencies.

Note: Depiction of public health messages or programs on de-addiction shall not be governed by the above restrictions.

**Audio – Visual Presentation:** The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in respective categories below:
<table>
<thead>
<tr>
<th>Category 'U'</th>
<th>Category 'U/A'</th>
<th>Category 'A'</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Depict the use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents or other such harmful products.</td>
<td>a) Depict the use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents or other such harmful products.</td>
<td>a) Prolonged or frequent or gratuitous depiction of the use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents or other such harmful products.</td>
</tr>
<tr>
<td>b) Depict the details of methods of preparation or procurement or such use or abuse or misuse of such harmful products.</td>
<td>b) Depict the details of methods of preparation or procurement or such use or abuse or misuse of such harmful products.</td>
<td>b) Depict the details of methods of preparation or procurement or such use or abuse or misuse of such harmful products.</td>
</tr>
<tr>
<td>c) Use formats such as song or dance sequences that highlight such activities.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Theme 5: Libel, Slander & Defamation**

**Subject Matter Treatment:** While reports or comments on historical or current events, ideas, individuals or institutions may be presented, the subject-matter treatment under all categories shall not in any way:

1. Deliberately present as true any unverified or inaccurate facts or half truths or innuendoes so as to avoid trial by media since “a man is innocent till proven guilty by law”. In such cases care should be taken to present both sides of the story and present a balanced view.

2. Defame or malign any individual person, or certain groups or segments of society.

3. Present facts and views in such a manner as is likely to mislead the public about their factual accuracy or veracity.

4. Mislead the public by mixing facts and fiction in such a manner that the public are unlikely to be able to distinguish between the two.

5. Present the views or interests of the broadcaster or its employees as representative of the views or interests of the public without giving verifiable evidence.

6. Present a distorted picture of the reality by over-emphasizing or under-playing certain aspects that may trivialize or sensationalize the content.

7. Make public any activities or material relating to an individual’s personal or private affairs or which invades an individual’s privacy unless there is an identifiable larger public interest.

Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be “warranted”.

**Audio – Visual Presentation:** The audio visual presentation of content under all categories (‘U’ or ‘U/A’ or ‘A’) relating to reports and comments on historical or current events, ideas, individuals or institutions shall not in any manner.

a) Portray fictional incidents as facts by failing to use tools of fiction like music or animation or sketches or diagrams or such other techniques or disclaimers as would clearly convey to the public the distinction between fact and fiction.

b) Juxtapose audio-visuals or images of events, ideas, individuals or institutions, along with comments, in such a manner that the public is unlikely to discern the correct relationship between the visuals and the commentary or be misled into believing in factually incorrect information, which may adversely affect the reputation of the concerned individual or group or institution.

c) Present simulated news (for example, in drama or in documentaries) in such a way that it is likely to mislead the public into believing that they are listening...
Theme 6: Religion & Community

Subject Matter Treatment: The subject-matter treatment of any program under all categories shall not in any manner:

1. Defame religions or communities or be contemptuous of religious groups or promote communal attitudes or be likely to incite religious strife or communal or caste violence.
2. Incite disharmony, animosity, conflict, hatred or ill will between different religious, racial, linguistic groups, castes or communities.
3. Counsel, plead, advise, appeal or provoke any person to destroy, damage or defile any place of worship or any object held sacred by any religious groups or class of persons.
4. Proselytize any particular religion as the ‘only’ or ‘true’ religion or faith or provoke, appeal, advise, implore or counsel any person to change his religion or faith.
5. Play on fear of explicit or implicit adverse consequences of not being religious or not subscribing to a particular faith or belief.
6. Promote any dangerous, retrogressive or gender discriminatory practices in the name of religion or faith or ideology.

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included under all categories (U, U/A & A):

a) Distort or demean or depict in a derogatory manner the physical attributes or social customs and practices of any ethnic, linguistic, religious groups or any caste or communities.

b) Distort or demean or depict religious or community symbols or idols or rituals or practices in a derogatory manner.

Theme 7: Harm & Offence
**Subject Matter Treatment:** The subject-matter treatment of any program under all categories shall not in any manner:

1. Create public panic or unnecessary alarm, which is likely to encourage or incite the public to crime or lead to disorder or be offensive to public feeling.

2. Ridicule, mock or scorn physically or mentally challenged persons.

3. Encourage superstition about the causes of mental illness or stigmatize the mentally sick as violent or dangerous.

4. Stereotype mental health practitioners as unethical or exploitative.

5. Disclose the location of a person’s home or family without permission, unless it is warranted.

6. Question minors about private matters without the consent of a parent or legal guardian unless it is warranted to proceed without such consent for an identifiable larger public interest.

7. Stereotype women as passive or submissive so as to promote or glorify their subordinate or secondary role in the family or society.

8. Portray women as primarily driven by sexual impulses or the female body or form as an object of sexual exploitation.

9. Promote, glorify or justify social evils such as child marriage, dowry, bigamy, son preference, etc.

10. Glamorize, promote, encourage such activities & sports which encourage ecological imbalance and hurt animals.

**Audio – Visual Presentation:** The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included under all categories (U, U/A & A) below:

a) Depict the physical attributes or personality traits or mental deficiencies of an individual or a class of individuals in a derogatory manner so as to evoke ridicule or contempt.

b) Depict mentally challenged people as more violent or dangerous than the common persons.

c) Show scenes involving children in violence as victims or as perpetrators or as forced witnesses to violence or being subjected to any form of child abuse.

d) Portray by gestures or expressions or words or images that women are primarily driven by sexual impulses or that the female body or form is an object of sexual exploitation.

e) Reveal the identity of an individual or his family or location of his home or fail to protect the privacy of his personal or private activities by failing to use suitable techniques such as masking blurring, changing names or identities etc.,
particularly in the cases of minors, victims of sexual violence or dreaded diseases like HIV/AIDS or natural or other disasters unless there is an identifiable larger public interest involved.

<table>
<thead>
<tr>
<th>Subject Matter Treatment:</th>
<th>The subject-matter treatment of any advertisement under all categories shall not in any manner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Place any advertisement or promotional material as content in news or current affairs programs without specifically acknowledging it as such.</td>
</tr>
<tr>
<td>2.</td>
<td>Place in the content of any film or program, any advertisement or promotional material of such products or services as are prohibited from being advertised or promoted or which are considered illegal or anti-social or harmful.</td>
</tr>
<tr>
<td>3.</td>
<td>Have a purpose that is wholly or mainly of a religious or political nature or is directed towards any religious or political end.</td>
</tr>
<tr>
<td>4.</td>
<td>Make unsubstantiated claims about the impact of its products or services on individuals, events, society or nature, including environmental impact.</td>
</tr>
<tr>
<td>5.</td>
<td>Endanger the safety of children or create in them any interest in unhealthy practices or show them begging or in undignified or indecent manner.</td>
</tr>
<tr>
<td>6.</td>
<td>Use a situation, performance, or style reminiscent of a program in a way that might confuse viewers as to whether they are watching a program or an advertisement.</td>
</tr>
<tr>
<td>7.</td>
<td>Refer to an advertisement in a way that might lead viewers to believe they are watching a program.</td>
</tr>
<tr>
<td>8.</td>
<td>Violate the code for self regulation in advertising as adopted by Advertising Standards Council of India (ASCI), and as may be modified from time to time.</td>
</tr>
<tr>
<td>9.</td>
<td>Promote, glorify or justify social evils such as child marriage, dowry, bigamy, son preference, etc</td>
</tr>
<tr>
<td>10.</td>
<td>Contain references which are likely to lead the public to infer that the product advertised or any of it ingredients has some special or miraculous or super natural properties or qualities, which are difficult of being proved.</td>
</tr>
</tbody>
</table>

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in all categories (U, U/A & A) below:

a) Juxtapose an advertisement with a program in such a manner that not more than 20% of the screen is used to carry captions, static or moving images alongside the program.

b) Place in the content of any program, any advertisement or promotional material
of such products or services as are prohibited from being advertised or promoted, or which are considered illegal or anti-social or harmful.

**Theme 9: General Restrictions**

**Subject Matter Treatment:** The subject-matter treatment of any program under all categories shall not in any manner:

1. Contravene the Constitution of India or the applicable Indian laws
2. Cast aspersions against integrity of the Nation
3. Involve defamation or contempt of court.
4. Adversely affect the judicial process of the country
5. Affect the integrity of the country or jeopardize or endanger the security of the State
6. Cast aspersions against the integrity of the President or the Judiciary
7. Exploit the national emblem.

**Audio – Visual Presentation:** The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in all categories (U, U/A & A) below:

a) Distort or demean or depict national emblem or symbols or national geographical boundaries in a derogatory manner deliberately.

**LIST OF RULES AND CODES (SELECTION)**

2. Drugs and Cosmetics Act, 1940.
10. Copyright Act, 1957.
CHAPTER-IV
NEWS AND CURRENT AFFAIRS (N & CA) PROGRAMMING

Subject Matter Treatment:

1. Broadcasters shall observe general community standards of decency and civility in news content and scheduling, taking particular care to protect the interest and sensitivities of children and general family viewing. Great care and sensitivity should be exercised to avoid shocking, offending or misleading the audience.

2. News should be reported with due accuracy and presented with due impartiality. Accuracy requires the verification (to the fullest extent possible) and presentation of all facts that are necessary to understand a particular event or issue.

‘Due’ is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. ‘Due’ means adequate or appropriate to the subject and nature of the programme. So ‘due impartiality’ does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to ‘due impartiality’ may vary according to the nature of the subject, the type of programme and channel or service, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.

Balance, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue. Accuracy and impartiality has to be ensured regardless of whether the BSP, reporter, editor or the audience agrees with these views. Any mistake in news should be acknowledged and corrected on air within a week after coming to notice of the mistake. Corrections and apology should be scheduled in the same time band where the initial error had occurred.

3. News should be well balanced and BSP shall endeavour that news is comprehensive, factual material is presented accurately and all viewpoints represented fairly. Commentary and analysis shall be clearly distinguished in the news and actual news should precede the commentary and analysis.

4. In presenting Talk Shows/Discussions on any issue of public importance, views both for and against must be presented in a balanced manner, truly, objectively and impartially.

5. Any personal interest of a reporter or presenter, which would call in to question the due impartially of the programme, must be made clear to the audience.

6. Good taste should guide the selection and presentation of news. Morbid, sensational, or alarming details not essential to factual reporting should be avoided.
7. BSP should not give undue prominence to the view and opinions of particular person or bodies on matters of political or industrial controversy and matters relating to current public policy.

8. Tools of fiction like music and animation used to whip up emotions blur the line between entertainment and news. For any fictional picturization of news and events or/and repackaging with fictional elements, the yardsticks applicable to the programme will be similar to non-news and current affairs guidelines mentioned in this Broadcasting Content Code.

9. News should not jeopardize the security of the nation and care should be taken that news broadcasts are in the interest of the nation. All plans for a broadcast which explore and expose the views of people who use or advocate violence for the achievement of political ends must be considered carefully by senior editorial/management before any arrangements for broadcasting are made.

10. News should not jeopardize any ongoing criminal investigation and should exercise due care in such cases.

11. BSP’s should avoid a trial by media since “a man is innocent till proven guilty by law”. In such cases care should be taken to present both sides of the story and present a balanced view.

12. No material should be presented in any manner that creates public panic and unnecessary alarm. BSP has to ensure that nothing is broadcast which is likely to encourage or incite viewers to crime or lead to disorder or be offensive to public feeling.

13. News covering scenes of crime, violence, national tragedy and obscurantist supernatural practices should be dealt with utmost objectivity and sensitivity and not with a view to trivialize, sensationalize or glorify them.

14. Infringement of privacy in a news based/related programme is a sensitive issue. There have been a slew of programmes where privacy of individuals appears to have been breached in public interest, however public opinion has been divided on this. Therefore, this calls for exercise of great degree of responsibility on part of the BSP, while telecasting any such programs, as may be breaching privacy of individuals. Failure to follow the tenets given below will constitute a breach of this Chapter of the Code resulting in an unwarranted infringement of privacy:

14.1 Channels must not use material relating to persons’ personal or private affairs or which invades an individual’s privacy unless there is an identifiable larger public interest reason for the material to be broadcast.

14.2. Senior editorial control must be exercised for selecting material in issues relating to privacy and intrusion into public affairs.

14.3. Any infringement of privacy in news based/related programmes, or in connection with obtaining material included in such programmes, must be “warranted”.

A30
14.4 Any infringement of privacy in the making of a news based/related programme should be with the person’s and/or organization’s consent or be otherwise "warranted".

(a) If the broadcast of a news based/related programme would infringe the privacy of a person or organization, consent should be obtained before the relevant programme is broadcast, unless the infringement of privacy is warranted. (Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution).

(b) If an individual or organization’s privacy is being infringed, and they ask that the filming, recording, or live broadcast be stopped, the BSP should do so, unless it is warranted to continue.

(c) When filming or recording in institutions, organizations, or other agencies permission should be obtained from the relevant authority or management, unless it is warranted to film or record without permission. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the public will not normally be required.

(d) However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before filming or recording and for broadcast from those in sensitive situations (unless not obtaining consent is warranted). If the individual will not be identifiable in the programme, separate consent for broadcast will not be required.

14.5. Scenes of human suffering and distress are often an integral part of any report of the effects of natural disaster, accident or human violence, and may be a proper subject for actuality rather than indirect reporting. But before presenting such scenes, broadcasters must balance the wish to serve the needs of truth and the desire for compassion against the risk of sensationalism and the possibility of unwarranted invasion of privacy. In particular, while reporting natural or manmade calamities, human violence and deaths, the feelings and sensitivities of grieving relatives or the injured must be respected and interviews avoided unless consent has been obtained.

14.6. The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the news based/related programme.
14.7. The BSP should ensure that the reuse of material, i.e., use of material originally filmed or recorded for one purpose and then used in such a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the BSP’s own material.

14.8. Door stepping for news/news based programmes should not take place unless a request for an interview has been refused or it has not been possible to request an interview, or there is good reason to believe that an investigation will be frustrated if the subject is approached openly, and it is warranted to doorstep.

Door stepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being filmed or recorded for broadcast purposes, without any prior warning. It does not, however, include vox-pops (sampling the views of random members of the public).

14.9. The BSP can record telephone calls between the BSP and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that what has been recorded will be broadcast (but this was not explained to the other party at the time of the call) then the BSP must obtain consent before broadcast from the other party, unless it is warranted not to do so.

14.10 The BSP should be particularly careful not to provide clues which may lead to the identification of those who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual or other offences featured in criminal, civil or family court proceedings.

14.11

(a) The BSP should pay particular attention to the privacy of minors. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

Where a programme features a minor in a way that infringes privacy, consent must be obtained from:

(i) a parent, or legal guardian; and
(ii) wherever possible, the individual concerned;

unless the subject matter is trivial or uncontroversial or it is warranted to proceed without consent.
(b) Minors should not be questioned about private matters without the consent of a parent or legal guardian unless it is warranted to proceed without consent.

(c) The BSP should be particularly careful not to provide clues which may lead to the identification of those who are not yet adult and who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual offences featured in criminal, civil or family court proceedings.

(d) When covering any pre-trial investigation into an offence, the BSP should pay particular regard to the potentially vulnerable position of any person who is not yet an adult and who is involved as a witness or victim, before broadcasting his/her name, address, identity of school or other educational establishment, place of work, or any still or moving picture of the minor. Particular justification is also required for the broadcast of such programme relating to the identity of any person who is not yet adult and who is involved in the defence as a defendant or potential defendant.

Audio-Visual Presentation

1. No advertising matter shall be offered as news or included in the content of a news programme or newsreel.

2. Any scene/clipping/footage depicting excessive violence, nudity, obscenity and vulgarity that is not suitable of viewing by children and in family setting must be avoided.

3. Simulated news (for example, in drama or in documentaries) must be broadcast in such a way that there is no reasonable possibility of the audience being misled into believing that they are listening to, or watching, actual news.

4. While reporting violent events, natural calamities and accidents, appropriate regard must be paid to the feelings of relatives and viewers and inclusion of images of dead or seriously wounded people or gruesome and gory scenes, which may seriously distress or offend substantial number of viewers, should not be included in the telecast. The feelings and sensitivities of grieving relatives or the injured must be respected and interviews avoided.

5. The dead should be treated with respect and not shown unless there are compelling reasons for doing so. Close ups or faces and serious injuries in case of disasters/riot etc. should be avoided.

6. Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual
crimes, particularly during newscasts and updates when children could be viewing. Senior editorial control must be exercised for selecting material in relation to telecast of violent events, accidents and natural calamities, in addition to examination by the Content Auditor.

7. Language which could incite to violence, disorder or hatred must not be used. The gratuitous use of language likely to offend must be avoided when images depicting human tragedy or excessive violence or audio material are telecast. Warning both, oral and visual must precede the telecast.

8. Information, which discloses the location of a person’s home or family, should not be revealed without permission, unless it is warranted.

9. With regard to minors, victims of rape and sexual crimes greatest care should be taken to protect their identity.

10. Repetitive broadcast of file (old) audio-visuals, which create a distorted picture of reality should be avoided.
DRAFT CINEMATOGRAPH BILL, 2010

The Cinematograph Act, 1952, which is almost six decades old, needs to be made contemporary in order to make the process of certification of films for exhibition in tune with the changed times and also make it an effective tool to combat piracy. It is, therefore, proposed to introduce Cinematograph Bill, 2010 by repealing the Cinematograph Act, 1952. A draft of the said Cinematograph Bill, 2010 is placed below. Comments/suggestions from the general public/stakeholders on the draft Bill are invited which may be addressed to:-

(i) Shri Amitabh Kumar at dirfilms2-inb@nic.in; or
(ii) Shri Niraj Singh at deskofficerfc@yahoo.com
DRAFT

THE CINEMATOGRAPH BILL, 2010

A BILL

To make provision for the sanctioning of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:
## PART – 1 PRELIMINARY

<table>
<thead>
<tr>
<th>1. Short Title, extent and commencement</th>
<th>Short title, extent and commencement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) This Act may be called the</td>
<td></td>
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<tr>
<td>Cinematograph Act, 2010</td>
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<tr>
<td>(2) It extends to the whole of India:</td>
<td></td>
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<tr>
<td>Provided that Part IV of the Act extends</td>
<td></td>
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<tr>
<td>to the Union territories only.</td>
<td></td>
</tr>
<tr>
<td>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Definitions – In this Act, unless the context otherwise requires –</th>
<th>Definition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) “adult” means a person who has completed his eighteenth year;</td>
<td></td>
</tr>
<tr>
<td>(b) “applicant” means a person applying for certification of a film for exhibition under Section 6;</td>
<td></td>
</tr>
<tr>
<td>(c) “authorized officer” means, within his local limits of jurisdiction, -</td>
<td></td>
</tr>
<tr>
<td>(i) a District Magistrate; or</td>
<td></td>
</tr>
<tr>
<td>(ii) a Sub-divisional Magistrate; or</td>
<td></td>
</tr>
<tr>
<td>(iii) a Commissioner of Police, and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorized officer for such local limits of jurisdiction as may be determined by that Government;</td>
<td></td>
</tr>
<tr>
<td>(d) “Board” means the Central Board of Film Certification constituted by the Central Government under section 4;</td>
<td></td>
</tr>
<tr>
<td>(e) “Certificate” means the certificate granted by the Board under section 8;</td>
<td></td>
</tr>
<tr>
<td>(f) “Cinematograph” means any apparatus, product or device, analogue or digital or any other technology, used for representation of moving pictures or series</td>
<td></td>
</tr>
</tbody>
</table>
Provided that the Central Government may, by notification in the Official Gazette, either include or exclude any such apparatus or device from the purview of this definition;

(g) “Exhibition” means display of a cinematograph film or making available a cinematograph film to persons not directly connected with the production, distribution, promotion or certification of that film;

(h) “film” means a cinematograph film;

(i) “person” includes any company or association or body of persons whether incorporated or not;

(j) “place” includes a house, building, tent and any description of transport, whether by sea, land or air;

(k) “prescribed” means prescribed by Rules made under the Act;

(l) “regional officer” means a regional officer appointed by the Central Government under section 7 and includes an additional regional officer and an assistant regional officer;

(m) “Tribunal” means the Film Certification Appellate Tribunal constituted under section 11.

<table>
<thead>
<tr>
<th>3. <strong>Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.</td>
</tr>
<tr>
<td>PART II</td>
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<tr>
<td>-------------------------------------------------</td>
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<tr>
<td>CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION</td>
</tr>
<tr>
<td>4. Central Board of Film Certification.-</td>
</tr>
<tr>
<td>(1) For the purpose of sanctioning films for exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Central Board of Film Certification, which shall consist of a Chairperson and not less than twelve and not more than twenty-five other members to be appointed by the Central Government. PROVIDED THAT AT LEAST ONE-THIRD OF THE MEMBERS OF THE BOARD SHALL BE WOMEN;</td>
</tr>
<tr>
<td>(2) The Chairperson of the Board shall be a person of eminence in public life and, in the opinion of the Central Government, qualified to judge the effect of films on the public;</td>
</tr>
<tr>
<td>(3) The other members of the Board shall be persons who, by reasons of their experience, qualification or profession in the field of art, cinema, drama, law, literature, social sciences, media, education or performing arts or by reason of eminence in public life and are, in the opinion of the Central Government, qualified to judge the effect of films on the public;</td>
</tr>
<tr>
<td>(4) The Chairperson of the Board shall receive such salary and allowances as may be determined by the Central Government and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.</td>
</tr>
<tr>
<td>(5) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.</td>
</tr>
<tr>
<td>5. Procedure to be followed by the Board-</td>
</tr>
<tr>
<td>The Board shall be guided by the principles</td>
</tr>
</tbody>
</table>
6. **Examination of films**

(1) Any person desiring to exhibit any film shall in the prescribed manner make an application, accompanied by prescribed fee, to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,

- (i) sanction the film for unrestricted exhibition; or

- (ii) having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed twelve years of age, the Board may sanction the film for such exhibition; or

- (iii) having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed fifteen years of age, the Board may sanction the film for such exhibition; or

- (iv) sanction the film for exhibition restricted to adults; or

- (v) sanction the film for exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or

- (vi) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for exhibition under any of the foregoing clauses; or

- (vii) refuse to sanction the film for exhibition.

(2) No action under clause (i) to clause (vii) of sub-section (1) shall be taken by the Board without giving an opportunity of being heard to the person concerned.
7. **Advisory panels**

(1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centre as it thinks fit, advisory panels each of which shall consist of such number of persons, being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto.

Provided that the Central Government may prescribe additional qualifications for appointment as a Member of any Advisory Panel.

Provided further that at least one-third members on an advisory panel shall be women.

(2) At each regional centre there shall be as many regional officers as the Central Government may think fit to appoint, and Rules made in this behalf shall provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner, as may be prescribed, any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel whether acting as a body or in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

(5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.
### 8. Certification of films

(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that-

| (a) | the film is suitable for unrestricted exhibition, it shall grant to the person applying for certificate in respect of the film a “U” certificate and cause the film to be so marked in the prescribed manner; or |
| (b) | the film is suitable for viewing by persons who have completed twelve years of age, it shall grant to the person applying for certificate in respect of the film a “12+” certificate and cause the film to be so marked in the prescribed manner; or |
| (c) | having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed fifteen years of age, it shall grant to the person applying for certificate in respect of the film a “15+” certificate and cause the film to be so marked in the prescribed manner; or |
| (d) | the film is suitable for exhibition restricted to adults, it shall grant to the person applying for certificate in respect of the film an “A” certificate and cause the film to be so marked in the prescribed manner; or |
| (e) | the film is suitable for exhibition restricted to members of any profession or any class of person, it shall grant to the person applying for a certificate in respect of the film a “S” certificate and cause the film to be so marked in the prescribed manner: |

Provided that the applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter.
contained in the film for which certificate has been granted under clause (a) or clause (b) or clause (c) or clause (d) or clause (e):

Provided further that if the applicant for the certificate in Section 6 is the producer, as defined in Section 2 (uu) of the Copyright Act, 1957, then the certificate granted to him under this section shall be deemed to be the evidence of copyright owned by him in respect of the cinematograph film.

Provided further that the certificates of the films certified by the Board before the date of coming into force of this Act shall remain valid.

(2) Where the Board passes an order —
(a) refusing to grant a certificate; or
(b) granting only a “12+” certificate; or
(c) granting only a “15+” certificate; or
(d) granting an “A” certificate; or
(e) granting a “S” certificate; or
(f) directing the applicant to carry out any excision or modifications; it shall record in the order, the reasons for doing so.

(3) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published by the Board in the Official Gazette of India;

(4) Subject to the other provisions contained in this Act, a certificate granted for a film by the Board under this section shall be valid throughout India for all formats or gauges of that film except that a certificate issued for release of a film on video format shall be valid for its theatrical release only with an endorsement to that effect:

Provided that a fresh application shall be made by an applicant for change in the category of certificate already granted and on receipt of such an application the Board
shall process and decide such application treating it as a fresh application.

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<tr>
<td>(1) A film shall not be sanctioned for exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.</td>
</tr>
<tr>
<td>(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.</td>
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<tr>
<th>10. Appeals</th>
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<tbody>
<tr>
<td>(1) Where the applicant for a certificate in respect of a film is aggrieved by any order of the Board-</td>
</tr>
<tr>
<td>(a) refusing to grant a certificate; or</td>
</tr>
<tr>
<td>(b) granting only a “S” certificate; or</td>
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<tr>
<td>(c) granting only an “A” certificate; or</td>
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<tr>
<td>(d) granting only a “15+” certificate; or</td>
</tr>
<tr>
<td>(e) granting only a “12+” certificate; or</td>
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<tr>
<td>(f) directing the applicant to carry out any excisions or modifications, may, within a period of thirty days from the date of such order, prefer an appeal to the Tribunal:</td>
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Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days by passing a
### 11. Constitution of Tribunal

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<tr>
<th>Constitution of Tribunal</th>
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<tbody>
<tr>
<td><strong>(1)</strong> For the purpose of hearing appeals against any order of the Board under section 10, the Central Government shall, by notification in the Official Gazette, constitute a Tribunal.</td>
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<td><strong>(2)</strong> The Head Office of the Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.</td>
</tr>
<tr>
<td><strong>(3)</strong> The Tribunal shall consist of a Chairperson and not more than four other members to be appointed by the Central Government.</td>
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<tr>
<td><strong>(4)</strong> A person shall not be qualified for appointment as the Chairperson of the Tribunal unless he is a retired Judge of a High Court, or is a person who is qualified to be a Judge of a High Court.</td>
</tr>
<tr>
<td><strong>(5)</strong> The Central Government may appoint such persons who, by reasons of having achieved eminence in the field of arts, cinema, drama, law, literature, media or social sciences, and in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal.</td>
</tr>
<tr>
<td><strong>(6)</strong> The term of office, terms and conditions of service, financial and other administrative powers of the Chairperson and members shall be such as may be prescribed.</td>
</tr>
<tr>
<td><strong>(7)</strong> Subject to such rules as may be made in this behalf, the Central Government may appoint a Secretary</td>
</tr>
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**reasoned order.**

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fees, as may be prescribed.
and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal under this Act.

(8) The Chairperson of the Tribunal, in consultation with the Government, may assign such duties and powers to the Secretary to the Tribunal or to such other officers of the Tribunal, as deemed fit.

(9) The other terms and conditions of service of the Secretary and other employees of the Tribunal shall be such as may be prescribed.

12. Procedure and powers of Tribunal –

<table>
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<tr>
<th>13. Suspension and revocation of certificate</th>
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<tbody>
<tr>
<td>(1) Notwithstanding anything contained in section 15, the Central Government may, by notification in the Official Gazette, suspend a certificate granted under this Part, for such period as it thinks fit or may revoke such certificate if it is satisfied that-</td>
</tr>
<tr>
<td>(i) the film in respect of which the certificate was granted, was being exhibited in a form other than the one in which it was certified; or</td>
</tr>
<tr>
<td>(ii) the film or any part thereof is being exhibited in contravention of the provisions of this Part or the rules made thereunder; or</td>
</tr>
<tr>
<td>(iii) the certificate has been obtained by fraud or misrepresentation as to an essential fact.</td>
</tr>
</tbody>
</table>

(2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant to whom the certificate was issued or any other person to whom the rights in the film have passed, or both, to deposit the certificate and all duplicate certificates, if any, granted in respect of the film to the Board or to any person or authority.
specified in the said notification.

(3) No action under this section shall be taken without giving an opportunity of being heard to the person concerned.

(4) During the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film.

14. Review of orders by Central Government

(1) Where an applicant for a certificate or any other person to whom the rights in the film have passed, is aggrieved by any order of the Central Government under section 13, he may, within sixty days of the date of publication of the notification in the Official Gazette, make an application to the Central Government for review of the order, setting out in such application the grounds on which he considers such review to be necessary:

Provided that the Central Government may, if it is satisfied that the applicant for a certificate or that other person was prevented by sufficient cause from filing an application for review within the aforesaid period of sixty days, allow such application to be filed within a further period of sixty days.

(2) On receipt of the application under sub-section (1), the Central Government may, after giving the aggrieved person a reasonable opportunity of being heard, and after making such further inquiry, as it may consider necessary, pass such order as it thinks fit, confirming, modifying or reversing its decision and the Board shall dispose of the matter in conformity with such order.

15. Powers of the Central Government to issue directions

If in the opinion of the Central Government the provisions of Section 9(1) have not been complied with while
sanctioning of a film for exhibition by the Board, the Central Government may direct the Board to review its decisions regarding grant of certificate to that film under section 8 and upon such direction being passed by the Central Government, the Board shall review its decision.

16. Delegation of powers by Board

(1) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, in relation to the certification of the films under this Part and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairperson or any other member of the Board, and anything done or action taken by the Chairperson or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

(2) The Central Government may, by order and subject to such conditions and restrictions as may be prescribed, authorize the regional officers to issue provisional certificates.

17. Power to direct exhibition of films

For the purpose of exercising any of the powers conferred on it by this Act, the Central Government, the Tribunal or the Board may require any film to be exhibited before it or, before any person or authority specified by it in this behalf.

2 of 1974.

18. Power of search and seizure

(1) Where a film is exhibited in

Powers of the Central Government to issue directions

Power to direct exhibition of films for examination

Delegation of powers by Board

Power of search and seize.
contravention of the provisions contained in this Act or rules or of any order made by the Central Government, the Tribunal or the Board in the exercise of any of the powers conferred on it, any police officer not below the rank of Sub-Inspector or an authorized officer may enter any place in which he has reason to believe that such a film has been or is being or is likely to be exhibited, search it and seize the film.

(2) All searches and seizures under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures.
### PART III
OFFENCES AND PENALTIES

<table>
<thead>
<tr>
<th>19. Penalty for unauthorized issue of negative or copy of the film or making duplicate prints/copies-</th>
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<tbody>
<tr>
<td>(1) No person who undertakes the processing of a film, analogue or digital or in any other form using any technology, shall,-</td>
</tr>
<tr>
<td>(i) issue any negative or copy of the film to any person except one copy of the first married print of the film to the person applying for a certificate under sub-section (1) of section 6 until a certificate is granted; or</td>
</tr>
<tr>
<td>(ii) make a duplicate print or a copy of the film in any form using any technology.</td>
</tr>
<tr>
<td>(2) No person shall make or cause to be made unauthorized duplicate print or copy of the film in any form using any technology;</td>
</tr>
<tr>
<td>(3) Any person, who fails to comply with the provisions contained in sub-section (1) or sub-section (2), shall be punishable with a fine of not less than five lakh rupees which may extend to twenty-five lakh rupees or imprisonment of not less than one year which may extend to three years or both;</td>
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<tr>
<th>20. Penalty for not supplying required information and documents</th>
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<tbody>
<tr>
<td>(1) Before the issue of a certificate granted under section 8, the applicant for the certificate, or his authorized representative shall deposit, at his own cost, a print of the film, in the same format in which it has been certified and a copy of the film in the prescribed format with the prescribed agency or agencies for archival purpose and record.</td>
</tr>
<tr>
<td>(2) Any person who delivers any certified film to any distributor or exhibitor shall, in</td>
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*Penalty for unauthorized issue of negative or copy of the film or making duplicate prints/copies.*
such manner as may be prescribed, notify to
the distributor or exhibitor, as the case may
be, the title, the length of the film, the
number and the nature of the certificate
granted in respect thereof and the
conditions, if any, subject to which it has
been so granted, and any other particulars
respecting the film which may be
prescribed:

(3) Notwithstanding anything contained in
any other Act or law in force, any person,
who fails to comply with the provisions
contained in sub-section (1) or sub-section
(2), shall be punishable with a fine of not
less than one lakh rupees which may
extend to three lakh rupees and in the
case of a continuing offence with a
further fine of not less than five thousand
rupees which may extend to twenty thousand
rupees for each day during which the
offence continues and if the same is not paid
the same shall be recoverable as arrears of
land revenue;

21. Penalties for contraventions of
certain provisions of this Act-

(1) If any person—

(a) exhibits or permits to be exhibited in any
place-(i) any film other than a film which
has been certified by the Board as suitable
for unrestricted exhibition or for exhibition
restricted to Children of more than
twelve years or for exhibition to Children
who have completed fifteen years or for
exhibition restricted to adults or to members
of any profession or any class of persons
and which, when exhibited, displays the
prescribed mark of the Board and has not
been altered or tampered with in any way
since such mark was affixed thereto;

(ii) any film, which has been certified by the
Board as suitable for exhibition restricted
to adults, to any person who is not an
adult;

(iii) any film, which has been certified by
the Board as suitable for exhibition

Penalties for
contraventions of
certain provisions
of this Act
restricted to the persons who have completed fifteen years of age or above to any person who has not completed fifteen years of age;

(iv) any film, which has been certified by the Board as suitable for exhibition restricted to persons who have completed twelve years of age or above to any person who has not completed twelve years of age;

(v) any film which has been certified by the Board as suitable for exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or

(b) without lawful authority (the burden of proving which shall be on him), alters or tampers or interpolates or interferes with in any way any film after it has been certified; or

(c) fails to comply with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder,

he shall be punishable with imprisonment for a term of not less than one year which may extend to three years, or with a fine of not less than one lakh rupees which may extend to three lakh rupees, or with both, and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.

Provided that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence
punishable under this Act.

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the print of the film shall be forfeited to the Central Government.

(3) The exhibition of a film, in respect of which a “S” certificate or an “A” certificate or a “15+” certificate or a “12+” certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

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<tr>
<th>22. Penalty for not displaying the Certificate</th>
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<tr>
<td>(1) The applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed, shall ensure-</td>
</tr>
<tr>
<td>(a) that the prescribed Part of the certificate along with the prescribed marks of the Board shall always be exhibited with the film for the duration as prescribed;</td>
</tr>
<tr>
<td>(b) that any person connected with the exhibition of a promotional film or an advertisement film granted ‘U’ or “12+” or “15+” or “A” or “S” certificate shall mention with such promotional or advertisement film that the film has been certified for such exhibition, prominently indicating the categorization of the film.</td>
</tr>
<tr>
<td>(2) If any person described in sub section (1) fails to comply with the provisions of this section, shall be punishable with a fine of not less than five thousand rupees which may extend to twenty thousand rupees per day for each violation.</td>
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<tr>
<th>23. Cognizance of Offences-</th>
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<tbody>
<tr>
<td>No Court shall take Cognizance of any offence punishable under this Act except upon a complaint in writing made by any</td>
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Penalty for not displaying the certificate

Cognizance of Offences.
### PART IV
**REGULATION OF EXHIBITION BY MEANS OF CINEMATOGRAPHS**

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<tr>
<th>Section</th>
<th>Text</th>
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<tr>
<td><strong>24. Cinematograph exhibitions to be licensed</strong></td>
<td>Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such licence.</td>
</tr>
<tr>
<td><strong>25. Licensing authority</strong></td>
<td>The authority having power to grant license under this Part (hereinafter referred to as the licensing authority) shall be the district magistrate: Provided that the Union territory Government may, by notification in the Official Gazette, constitute, for the whole or any part of the Union territory, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.</td>
</tr>
</tbody>
</table>
| **26. Restrictions on powers of licensing authority** | (1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that—  
(a) the provision of this Act and Rules made thereunder have been substantially complied with, and  
(b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.  
(2) Subject to the foregoing provisions of this section and to the control of the Union |

territory Government, the licensing authority may grant licences under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part may, within such time as may be prescribed, appeal to the Union territory Government or to such officer as the Union territory Government may specify in this behalf and the Union territory Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

27. Power of Central Government or local authority to suspend exhibition of films in certain cases

(1) The Lieutenant-Governor or, as the case may be, the Chief Commissioner, in respect of the whole or any part of a Union territory and the district magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the state, part or district, as the case may be.

Power of Central Government or local authority to suspend exhibition of films in certain cases.
(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a district magistrate, as the case may be, a copy thereof, together with a statement of reasons therefore, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

### 28. Penalties for contravention of this Part

If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine of not less one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence, with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.

### 29. Power to revoke licence

Where the holder of a licence has been convicted of an offence under any of the sections of this Act, the licensing authority may revoke the licence under that rule;

### 30. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make
rules-
(a) prescribing the terms, conditions and restrictions, if any, subject to which licence may be granted under this Part;
(b) providing for the regulation of cinematograph exhibitions for securing the public safety under the provisions of sub-section (1) of section 26;
(c) Prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 26 may be preferred.

(2) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done.

PART - V
MISCELLANEOUS

31. Bar of legal proceedings
No suit or other legal proceeding shall lie against the Central Government, the Tribunal, the Board, advisory panel, or any officer or member of the Central Government, the Tribunal or the Board or advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act.
| 45 of 1860 | **32. Members of the Board and advisory panels to be public servants**
All members of the Tribunal, the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. |
| --- | --- |
| **33. Vacancies, etc., not to invalidate proceeding**
No act or proceeding of the Tribunal, the Board or of any advisory panel shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Tribunal, the Board or panel, as the case may be. |
| **34. Power to make rules**
(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:-

(a) the allowances or fees payable to the members of the Board under sub-section 4 of section 4;

(b) the terms and conditions of service of the members of the Board under sub-section 5 of section 4;

(c) the manner of making an application to the Board for a certificate and the manner in which a film has to be examined by the Board and the fees to be levied therefore under sub-section 1 of section 6;

(d) the manner in which the Board may consult any advisory panel in respect of any film under sub-section 3 of section 7; |
(e) the allowances or fees payable to the members of the advisory panel under sub-section 5 of section 7;

(f) the marking of the films under section 8;

(g) the fee payable by the appellant to the Tribunal in respect of matters relating to appeal under sub-section 2 of section 10;

(h) the term of office, terms and conditions of service, financial and administrative powers of the Chairperson and the members of the Tribunal under sub-section 6 of Section 11.

(i) the other terms and conditions of service of the Secretary to, and other employees of, the Tribunal under sub-section 9 of Section 11;

(j) the association of regional officers in the examination of films, the conditions and restrictions subject to which regional officers may be authorized under sub-section 2 of section 16 to issue provisional certificates;

(k) the manner in which certified film may be delivered to the distributor or exhibitor and the conditions subject to which any certificate be granted under sub-section (2) of section 20 of the Act;

(l) the duration of the exhibition of prescribed marks of the Board under clause (a) of sub-section (1) of section 22;

(m) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be
made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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<tr>
<th>35. <strong>Power to exempt</strong></th>
<th>Power to exempt.</th>
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<tr>
<td>(1) The Central Government may, by order in writing exempt, subject to such conditions and restrictions, as it may impose, any film or class of films from any of the provisions of this Act or of any rules made thereunder.</td>
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<th>36. <strong>Power to remove difficulties</strong></th>
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<tr>
<td>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.</td>
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<td>(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.</td>
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| 37 of 1952 | Repeal & Savings. |
| 10 of 1897 |------------------|
| 37. **Repeal and Savings** |------------------|
| (1) The Cinematograph Act, 1952 is hereby repealed. |
| (2) Notwithstanding such repeal and without prejudice to the provisions contained in the General Clause Act, 1897 with respect to repeals- (a) anything done or action taken under any provision of the Cinematograph Act, 1952 by the Central Government shall continue to be in force; or (b) the previous operation of the provisions so repealed or anything duly done or |
suffered thereunder; or
(c) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or (d) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or
(e) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and
(f) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under any provision of the Cinematograph Act by the Central Government shall continue to be in force and have effect as if this Act has not been passed.
PROGRAMME AND ADVERTISING CODES
PRESCRIBED UNDER THE CABLE TELEVISION NETWORK RULES, 1994
(Rule 6 and Rule 7)

Rule- 6 Programme Code

(1) No programme should be carried in the cable service which-

(a) Offends against good taste or decency;
(b) Contains criticism of friendly countries;
(c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
(d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
(e) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;
(f) Contains anything amounting to contempt of court;
(g) Contains aspersions against the integrity of the President and Judiciary;
(h) Contains anything affecting the integrity of the Nation;
(i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
(j) Encourages superstition or blind belief;
(k) Denigrates women through the depiction in any manner of the figure of a women, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
(l) Denigrates children;
(m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
(n) Contravenes the provisions of the Cinematograph Act, 1952.
(o) is not suitable for unrestricted public exhibition.

“Provided that no film or film song or film promo or film trailer or
music video or music albums or their promos, whether produced in India or abroad, shall be carried through cable service unless it has been certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition in India”.

Explanation- For the purpose of this clause, the expression “unrestricted public exhibition” shall have the same meaning as assigned to it in the Cinematograph Act, 1952 (37 of 1952);

(2) The cable operator should strive to carry programmes in his cable service which project women in a positive, leadership role of sobriety, moral and character building qualities.

(3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the Copyright Act, 1957 (14 of 1957) unless he has been granted a licence by owners of copyright under the Act in respect of such programme.

(4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence.

(5) Programmes unsuitable for children must not be carried in the cable service at times when the largest numbers of children are viewing.

(6) No cable operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India”.

“Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, whose application for registration to the Central Government was made on or before 11th May, 2006 and is under consideration, for a period of three months from the date of this notification, or till such registration has been granted or refused, whichever is earlier.”

“Provided further that channels uplinking from India, in accordance with permission for uplinking granted before 2nd December, 2005, shall be treated as “registered” television channels and can be carried or included in the cable service.”

**Rule-7 Advertising Code**

(1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which-

   (i) derides any race, caste, colour, creed and nationality;

   (ii) is against any provision of the Constitution of India.
(iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;

(iv) presents criminality as desirable;

(v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;

(vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well established norms of good taste and decency;

(vii) exploits social evils like dowry, child marriage.

(viii) promotes directly or indirectly production, sale or consumption of-

(A) Cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to the following conditions that:-

(i) the story board or visual of the advertisement must depict only the product being advertised and not the prohibited products in any form or manner;

(ii) the advertisement must not make any direct or indirect reference to the prohibited products;

(iii) the advertisement must not contain any nuances or phrases promoting prohibited products;

(iv) the advertisement must not use particular colours and layout or presentations associated with prohibited products;

(v) the advertisement must not use situations typical for promotion of prohibited products when advertising the other products;

Provided further that-

(i) the advertiser shall submit an application with a copy of the proposed advertisement along with a certificate by a registered Chartered Accountant that the product carrying the same name as cigarettes, tobacco products,
wine, alcohol, liquor or other intoxicants is distributed in reasonable quantity and is available in substantial number of outlets where other products of the same category are available and the proposed expenditure on such advertising thereon shall not be disproportionate to the actual sales turnover of the product.

(ii) All such advertisements found to be genuine brand extensions by the Ministry of Information and Broadcasting shall be previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition and are in accordance with the provisions contained in sub-clause (i) to (v) of the first proviso, prior to their telecast or transmission or retransmission.

(B) Infant milk substitutes, feeding bottle or infant food.

(3) No advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.

(3A) No advertisement shall contain references which hurt religious sentiments.

(4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.

(5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or supernatural property or quality, which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively loud;

(7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.

(9) No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.

(10) All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz., use of lower part of screen to carry captions, static or moving alongside the programme.
(11) No programme shall carry advertisements exceeding twelve minutes per hour, which may include up to ten minutes per hour of commercial advertisements, and up to two minutes per hour of the channel’s self-promotional programmes.
THE CABLE TELEVISION NETWORKS (REGULATION)
AMENDMENT BILL, 2011

- The Cable Television Networks (Regulation) Amendment Bill, 2011 was introduced in the Lok Sabha on November 28, 2011 by Ms. Ambika Soni, Union Minister of Information and Broadcasting. The Bill amends the Cable Television Networks (Regulation) Act, 1995, and repeals the Cable Television Networks (Regulation) Amendment Ordinance, 2011.

- The Cable Television Networks (Regulation) Act, 1995 requires and provides a mechanism for registration of all cable operators. The Act empowers the central government to appoint a registering authority to review applications and grant registrations.

- The Act defines ‘pay channels’ as channels for which ‘addressable systems’ are required to be attached to the set top box. The Bill redefines ‘pay channels’ to mean channels for which the cable operator pays the broadcaster and the broadcaster’s permission is required for transmission of the channel.

- An addressable system consists of electronic devices in an integrated system through which signals of cable television can be sent. In the Act, the addressable system could transmit signals that were both encrypted and decrypted. However, under the Bill, the addressable system may only transmit encrypted signals.

- The Act empowers the central government to make it obligatory for cable operators to transmit any pay channel through addressable systems. The Act also requires the cable operators to submit reports on the total number of subscribers, subscription rates, and the number of subscribers for free-to-air and pay channels.

- The Bill would empower the central government to issue notifications requiring all cable operators to transmit any channel, including free-to-air channels, in an encrypted form through a digital addressable system. The cable operators will be given a minimum of six months to install the equipment required for such transmission. In the interim, in order to be registered, new cable operators would have to make an undertaking to transmit channels in encrypted form.

- The central government may direct the Telecom Regulatory Authority of India (TRAI) to specify the free-to-air channels to be included in the basic service tier. It may also direct TRAI to specify the tariff rate at which the cable operators would provide basic service tier to the consumer.

- Under the Bill, a cable operator may lay cables and erect posts on public property upon receiving permission from the relevant public authority. The public authority may impose a liability to pay expenses, and conditions on the time and mode of execution of such
work on the cable operator. This right of way is subject to the cable operator’s obligation of restoration of property.

- The Bill would empower the registration authority to refuse registration if the cable operator does not meet eligibility requirements that may be prescribed under the amended Act. The central government may prescribe additional eligibility criteria related to matters such as, sovereignty, integrity and security of India, public order, decency and morality.

- The decisions of the registering authority to refuse grant or renewal of registration may be appealed against before the central government.

- The Bill would authorise the central government to inspect cable networks and services. Prior notice may not be given to the cable operator or broadcaster if it would defeat the purpose of the inspection.

- The Act authorised the seizure of the cable operators’ equipment if the cable operator violates provisions of the Act. This period of seizure was limited to 10 days and could be extended by an order of the District Judge. Under the Bill, there is no limitation on the period of seizure.

- The Bill would empower the central government to revoke or suspend a cable operator’s registration if he violates the terms of registration. Prior to taking such action, the cable operator has to be given an opportunity to be heard.
BILL NO. XXIII OF 2011
THE ANTI-CORRUPTION, GRIEVANCE REDRESSAL AND WHISTLEBLOWER PROTECTION BILL, 2011

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CHAPTER VIII
AMENDMENTS OF PREVENTION OF CORRUPTION ACT
THE ANTI-CORRUPTION, GRIEVANCE REDRESSAL AND WHISTLEBLOWER PROTECTION BILL, 2011

A BILL

To provide for the establishment of effective anti-corruption and grievance redressal systems at the centre by creating effective deterrent against corruption and also to provide effective protection to whistleblowers and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Anti-Corruption, Grievance Redressal and Whistleblower Protection Act, 2011.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “action” means any action taken by a public servant in the discharge of his functions as such public servant and includes decision, recommendation or finding or in any other manner and includes willful failure or omission to act and all other expressions relating to such action shall be construed accordingly;

(b) “allegation” in relation to a public servant includes any affirmation that such public servant—

(i) has indulged in misconduct, if he is a government servant;

(ii) has indulged in corruption;

(c) “complaint” includes any grievance or allegation or a request by whistleblower for protection and appropriate action;

(d) “corruption” includes anything made punishable under Chapter IX of the Indian Penal Code, 1860 or under the Prevention of Corruption Act, 1988;
(e) “government” or “Central Government” means Government of India;

(f) “government servant” means any person who is or was any time appointed to a civil service or post in connection with the affairs of the Central Government or High Courts or Supreme Court either on deputation or permanent or temporary or on contractual employment but would not include the judges;

(g) “grievance” means a claim by a person that he sustained injustice or undue hardship in consequence of mal-administration;

(h) “Lokpal” means:

(i) benches constituted under this Act and performing their functions as laid down under various provisions of this Act, or

(ii) any officer or employee, exercising its powers and carry out its functions and responsibilities, in the manner and to the extent, assigned to it under this Act, or under various rules, regulations or orders made under various provisions of this Act;

(iii) for all other purposes, the Chairperson and members acting collectively as a body;

(i) “mal-administration” means action taken or purporting to have been taken in the exercise of administrative function in any case where—

(i) such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or

(ii) there has been willful negligence or undue delay in taking such action or the administrative procedure or practice governing such action involves undue delay;

(j) “misconduct” means misconduct as defined in the Central Civil Services Conduct Rules and which has vigilance angle;
(k) “public authority” means any authority or body or institution of self-government established or constituted—

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

(iii) by notification issued or order made by the Government, and includes anybody owned, controlled or substantially financed by the Government;

(l) “public servant” means a person who is or was at any time—

(i) the Prime Minister;

(ii) member of the Council of Ministers;

(iii) a Member of Parliament;

(iv) a Judge of High Courts or Supreme Court;

(v) a Government servant;

(vi) the Chairman or Vice-Chairman (by whatever name called) or a member of a local authority in the control of the Central Government or a statutory body or corporation established by or under any law of the Parliament of India, including a co-operative society, or a Government Company within the meaning of section 617 of the Companies Act, 1956 and members of any Committee or Board, statutory or non-statutory, constituted by the Government.

(vii) holding positions in such other authorities as the Central Government may, by notification, from time to time, specify;

(m) “vigilance angle” includes—

(i) all acts of corruption;
(ii) gross or wilful negligence; recklessness in decision making; blatant violations of systems and established procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority or superiors informed in time;

(iii) failure or delay in taking action, if under law the Government servant ought to do so, against subordinates on complaints of corruption or dereliction of duties or abuse of office by the subordinates;

(iv) indulging in discrimination through one’s conduct, directly or indirectly;

(v) victimizing whistle blowers;

(vi) any undue unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case;

(vii) make unfair investigation or enquiry to either unduly help culprits or fabricate the innocent.

(viii) any other matter as notified from time to time by the Lokpal.

(n) “whistleblower” means any person who faces threat of (i) professional harm, including but not limited to illegitimate transfers, denial of promotions, denial of appropriate perks, departmental proceedings, discrimination or (ii) physical harm or is actually subjected to such harm; because of either making a complaint to the Lokpal under this Act or for filing an application under Right to Information Act, 2005.

CHAPTER II

ESTABLISHMENT OF LOKPAL

3.(1) There shall be an institution known as Lokpal which shall consist of a Chairperson and ten members along with its officers and employees.
(2) The Chairperson and members of the Lokpal shall be selected in such manner as laid down in this Act.

(3) A person appointment as Chairperson or member of the Lokpal shall, before entering upon his office, make and subscribe before the President, an oath or affirmation in the form as prescribed.

(4) The Government shall appoint the Chairperson and members of the first Lokpal and set-up the institution with all its logistics and assets within six months of enactment of this Act.

(5) The Government shall fill up a vacancy of the Chairperson or a member caused due to–

(a) retirement three months before the chairperson or the members retires.

(b) Any other unforeseen reason, within a month of such vacancy.

4. The Chairperson and members of the Lokpal shall not be sitting or former member of either the Parliament or the Legislature of any State and shall not hold any office or trust of profit (other than the office as Chairperson or member) or would have ever been connected with any political party or carry on any business or practice any profession and accordingly, before he enters upon his office, a person appointed as the Chairperson or member of Lokpal shall—

(i) if he holds any office of trust or profit, resign from such office; or

(ii) if he is carrying on any business, sever his connection with the conduct and management of such business; or

(iii) if he is practicing any profession, suspend practice of such profession; or

(iv) if he is associated directly or indirectly with any other activity, which is likely to cause conflict of interest in the performance of his duties as Lokpal, he should suspend his association with that activity.
5. (1) A person appointed as the Chairperson or member of the Lokpal shall hold office for a term of five years from the date on which he enters upon his office;

Provided that,—

(a) the Chairperson or member of the Lokpal may, by writing under his hand addressed to the President, resign his office; or

(b) the chairperson or member may be removed from office in the manner provided in this Act.

(2) There shall be paid to the Chairperson and each member every month a salary equal to that of the Chief Justice of India and that of the judge of the Supreme Court respectively;

(3) The allowances and pension payable to and other conditions of service of the Chairperson or a member shall be such as may be prescribed:

Provided that the allowances and pension payable to and other conditions of service of the Chairperson or members shall not be varied to his disadvantage after his appointment.

(4) There shall be a separate fund by the name of “Lokpal fund” in which penalties or fines imposed by the Lokpal shall be deposited and in which ten per cent of the loss of Public Money detected or prevented on account of investigations by the Lokpal shall also be deposited by the Government.

(5) The disposal of such Lokpal fund shall be completely at the discretion of the Lokpal and such fund shall be used only for enhancement or upgradation or extension of the infrastructure of Lokpal.
(6) Any person if he has ever held the position of the Chairperson or a member of Lokpal for any period shall not be eligible for appointment on any position in the Government of India or Government of any State or for contesting elections:

Provided however that a member or Chairperson may be reappointed for one more term or a member may be appointed as the Chairperson, however, that any person shall not serve for more than a total of two terms.

6. (1) The Chairperson and members shall be appointed by the President on the recommendation of a selection committee.

(2) Following persons shall not be eligible to become Chairman or Member of the Lokpal:

(a) Any person who was ever charge-sheeted for any offence under the Indian Penal Code 1860 or the Prevention of Corruption Act, 1988 or was ever penalized under Central Civil Services Conduct Rules.

(b) Any person who is less than forty years of age.

(3) At least four members of the Lokpal shall have legal background.

(4) The selection committee referred to in sub-section (1) shall consist of:

(i) two senior most judges of the Supreme Court,
(ii) two senior most Chief Justices of the High Courts,
(iii) all Nobel Laureates of Indian origin,
(iv) last three Magsaysay Award winners,
(v) comptroller and Auditor General of India,
(vi) Chief Election Commissioner,
(vii) after the first set of selection process, the outgoing Chairperson and members of Lokpal.
(5) The senior most judge of the Supreme Court shall act as the Chairperson of the selection committee.

(6) The selection committee shall followed the following selection process:

15 (a) recommendations for the post of Chairperson and members of Lokpal shall be invited through open advertisements in prescribed format;

(b) the candidates should have unimpeachable integrity and should have demonstrated their resolve and efforts to fight against corruption in the past;

(c) each person recommending any name shall be expected to justify the selection of his candidate giving examples from the past achievements of the candidate;

(d) the list of candidates along with their recommendations received in the format mentioned above shall be displayed on a website;

(e) each member of the selection committee, on the basis of the above material, shall recommend such number of names as there are vacancies;

(f) a priority list shall be prepared with the candidate receiving recommendations from maximum number of members of selection committee at the top and the candidates recommended by the same number of members shall be treated at par;

(g) this priority list shall be displayed on the website;

(h) around three times the names as per the vacancies, shall be short-listed from the top;

(i) public feedback shall be invited on the short-listed names by putting these names on the website;

(j) the selection committee may decide to use any means to collect more information about the background and past achievements of the short-listed candidates;

(k) selection committee shall invite short-listed candidates for discussions, video recordings of which
shall be made public;

(1) all the material obtained so far about the candidates shall be made available to each member of the selection committee in advance to enable the members to make their own assessment of each candidate;

(m) the selection committee shall meet and discuss the material so received about each candidate and the final selections for the Chairperson and members shall be made preferably through consensus:

Provided that if three or more members, for reasons to be recorded in writing, object to the selection of any member, he shall not be selected;

(n) All meetings of selection committee shall be video recorded and shall be made public;

(7) Selection Committee shall recommend the names to the President, who shall order such appointments within a month of receipt of the same.

### Removal of Chairperson or members.

7. (1) The Chairperson or any member shall not be removed from this office except by an order of the President.

(2) The Chairman or any member can be removed on one or more of the following grounds,—

(a) Proved misbehaviour;

(b) Professional or physical incapacity;

(c) If he is adjudged to be insolvent;

(d) Has been charged of an offence which involves moral turpitude;

(e) If he engages during his term of office in any paid employment outside the duties of his office;

(f) Has acquired such financial interests or other interests which are likely to affect prejudicially his functions as member or Chairperson;
(g) If he is guided by considerations extraneous to the merits of the case either to favour someone or to implicate someone through any act of omission or commission;

(h) If he commits any act of omission or commission which is punishable under the Prevention of Corruption Act, 1988 or is a misconduct;

(i) If a member or the Chairperson in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehaviour.

(3) The following process shall be followed for the removal of any member of Chairperson—

(a) Any person may move an application or petition before the Supreme Court seeking removal of one or more of the members or Chairperson of the Lokpal alleging one or more of the grounds for removal and providing evidence for the same; and

(b) The Supreme Court shall hear the matter in a bench of three or more Judges on receipt of such petition and may take one or more of the following steps—

(i) order on investigation to be done by a Special Investigation Team appointed by the Supreme Court, if a prima facie case is made out and if the matter cannot be judged based on affidavits of the parties;

(ii) dismiss the petition if, no case is made out;

(iii) if the grounds are proved, recommend to the President for removal of the said member or Chairperson; or
(iv) direct registration and investigation of cases with appropriate agencies if, there is prima facie case of commission of an offence punishable under the Prevention of Corruption Act, 1988.

(c) the Supreme Court shall not dismiss such petitions in liminae;

(d) if the Supreme Court concluded that the petition has been made with mischievous or malafide motives, the Court may order imposition of fine or imprisonment upto one year against the complainant; and

(e) on receipt of a recommendation from the Supreme Court under this section, the President shall order removal of Chairperson or member within a month of the receipt of the same.

CHAPTER III
POWERS AND FUNCTIONS OF LOKPAL

8. (1) The Lokpal shall be responsible for receiving,—

(a) complaints where there are allegations of such acts of omission or commission which are punishable under the Prevention of Corruption Act, 1988;

(b) complaints where there are allegations of misconduct by a government servant;

(c) grievances; and

(d) complaints from whistleblowers.

(2) The Lokpal after getting such inquiries and investigations done as it deems fit, may take one or more of the following actions:

(a) close the case, if prima facie, the complaint is not made out; or

(b) initiate prosecution against public servants as well as those private entities which are party to the act; and
(c) order imposition of appropriate penalties under the Central Civil Services Conduct Rules:

Provided that if, an officer is finally convicted under the Prevention of Corruption Act, 1988 major penalty of dismissal shall be imposed on such government servant.

(d) order cancellation or modification of a license or lease or permission or contract or agreement, which was the subject matter of investigation;

(e) blacklist the concerned firm or company or contractor or any other entity involved in that act of corruption;

(f) issue appropriate directions to appropriate authorities for redressal of grievance in such time and in such manner as is specified in the order;

(g) invoke its powers under this Act if, its orders are not duly complied with and ensure due compliance of its orders; or

(h) take necessary action to provide protection to a whistleblower as per various provisions of this Act.

(3) Suo-motu initiate appropriate action under this Act if any case, of the nature mentioned in clauses (a), (b), (c) or (d) of sub-section (1) comes to the knowledge of the Lokpal from any source.

(4) issue such directions, as are necessary, from time to time, to appropriate authorities to make such changes in their work practices, administration or other systems so as to reduce the scope and possibility for corruption, misconduct and public grievances.

(5) The Lokpal shall be deemed to be “Disciplinary authority” or “Appointing authority” for the purpose of imposing penalties under CCS Conduct Rules.

(6) Section 197 of the Code of Criminal Procedure, 1973 shall not apply to any proceedings under this Act. All permissions, which need to be sought for initiating investigations or for initiating prosecutions under any Act shall be deemed to have been granted.
9. (1) Where, in consequence of information in his possession, the Lokpal—

(a) has reason to believe that any person,—

(i) to whom a summon or notice under this Act, has been or might be issued, will not produce or cause to be produced any property, document or thing which will be necessary or useful for or relevant to any inquiry or other proceeding to be conducted by him;

(ii) is in possession of any money, bullion, jewellery or other valuable article or thing and such money, bullion, jewellery or other valuable article or thing represents either wholly or partly income or property which has not been disclosed to the authorities for the purpose of any law or rule in force which requires such disclosure to be made; or

(b) considers that the purposes of any inquiry or other proceedings to be conducted by him will be served by a general search or inspection.

He may by a search warrant authorize any Police Officer not below the rank of an Inspector of Police to conduct a search or carry out an inspection in accordance therewith and in particular to,—

(i) enter and search any building or place where he has reason to suspect that such property, document, money, bullion, jewellery or other valuable article or thing is kept;

(ii) search any person who is reasonably suspected of concealing about his person any article for which search should be made

(iii) break open the lock of any door, box, locker safe, almirah or other receptacle for exercising the powers conferred by sub-clause (i) where the keys thereof are not available;

(iv) seize any such property, document, money, bullion, jewellery or other valuable article or thing
Evidence (v) place marks of identification on any property or document or make or cause to be made; extracts or copies therefrom; o

(vi) make a note or an inventory of any such property, document, money, bullion, jewellery or other valuable article or thing

(2) The provisions of the Code of Criminal Procedure, 2 of 1974, relating to search and seizures shall apply, so far as may be, to searches and seizures under sub-section (1)

(3) A warrant issued under sub-section (1) shall for all purposes, be deemed to be a warrant issued by a court under section 93 of the Code of Criminal Procedure, 1973

Evidence 10. (1) Subject to the provisions of this section, for the purpose of any investigation (including the preliminary inquiry, if any, before such investigation) under this Act, the Lokpal may require any public servant or any other person who, in his opinion is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary inquiry) the Lokpal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Requiring the discovery and production of any document;

(c) Receiving evidence on affidavits;

(d) Requisitioning any public record or copy thereof from any court or office;
(e) Issuing commissions for the examination of witnesses or documents;

(f) Ordering payment of compensatory cost in respect of a false or vexatious claim or defence;

(g) Ordering cost for causing delay;

(h) Such other matters as may be prescribed.

45 of 1860. (3) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding with in the meaning of section 193 of the Indian Penal Code, 1860.

11. (1) The Chairperson of Lokpal shall present annually a consolidated report in prescribed format on its performance to the President.

(2) On receipt of the annual report, the President shall cause a copy thereof together with an explanatory memorandum to be laid before each House of the Parliament.

15 (3) The Lokpal shall upload, every month on its website the list of cases disposed with brief details of each such case, outcome and action taken or proposed to be taken in that case along with lists of all cases received by the Lokpal during the previous month, cases disposed and cases which are pending.

2 of 1974. 12. (1) For the purposes of section 36 of the code of Criminal Procedure 1973, the Chairperson, members of the Lokpal and the officers in investigation wing of the Lokpal shall be deemed to be police officers.

20 2) While investigating any offence under the Prevention of Corruption Act, 1988, they shall be competent to investigate any offence under any other law in the same case.

13. (1) Each order of the Lokpal shall clearly specify the names of the officials who are required to execute that order, the manner in which it should be executed and the time period within which that order should be complied with.
(2) If the order is not complied with within the time or in the manner directed, the Lokpal may decide to impose a fine on the officials responsible for the non-compliance of its orders.

(3) The Drawing and Disbursing Officer of the concerned Department shall be directed to deduct such amount of fine as is clearly specified by the Lokpal in its order made in sub-section (2) from the salaries of the officers specified in the order:

Provided that no penalty shall be imposed without giving the Officer a reasonable opportunity of being heard:

Provided further that if the Drawing and Disbursing Officer fails to make deduct from the salary as specified in the said order, he shall make himself liable for a similar penalty.

(3) In order to get its orders complied with, the Lokpal shall have, and exercise the same jurisdiction powers and authority in respect of contempt of itself as a High Court has and may exercise, and, for this purpose, the provisions of the Contempt of Courts Act, 1971 shall have the effect subject to the modification that the references therein to the High Court shall be construed as including a reference to the Lokpal.

14. On an annual basis, the Lokpal shall make an assessment of the number of Special Judges required under section 4 of the Prevention of Corruption Act, 1988 in each area and the Government shall appoint such number of Judges within three months of receipt of such recommendation:

Provided that the Lokpal shall recommend such number of Special Judges so that trial in each case under this Act is completed within a year.

15. (1) The Chairperson shall be responsible for overall administration and supervision of the institution of Lokpal.

(2) All policy level decisions including formulation of regulations, developing internal systems for the
functioning of the Lokpal, assigning functions to
various officials in the Lokpal, delegation of powers to
various functionaries in the Lokpal etc. shall be taken by
the Chairperson and the members collectively as a body

(3) The Chairperson shall have an annual meeting with
the Prime Minister to assess the needs of the Lokpal for
finances and manpower and the Lokpal shall be
provided required resources by the Government on the
basis of outcome of such meeting.

(4) The Lokpal shall function in benches of three or
more members which shall be constituted randomly and
cases shall be assigned to them randomly by computer.

(5) Each bench shall consist of at least one member with
legal background.

(6) The benches shall be responsible for:—

(i) granting permission to close any case after a
preliminary inquiry;

(ii) granting permission to either close a case after
investigations or issuing orders imposing penalties
under Central Civil Service Conduct Rules and/or for
initiating prosecution in that case;

(iii) Issuing orders under section 26.

(7) The Lokpal may decided to initiate investigations
into any case suo-motu also.

(8) The Chairperson shall chair all the meetings of the
Lokpal.

(9) The decision to initiate investigation or prosecution
against any member of the Cabinet or any judge of the
High Court or the Supreme Court shall be taken in a
meeting of all the existing members and the Chairperson
and the minutes and records of such meetings shall be
made public.

CHAPTER IV
COMPLAINT MAKING MECHANISM AND
PROTECTION OF COMPLAINT AND
PUNISHMENT

Procedure for making a complaint to the Lokpal.

16. (1) Subject to the provisions of this Act, any person may make a complaint under this Act to the Lokpal:
Provided that in case of a grievance, if the person aggrieved is dead or for any reason, unable to act for himself, the complaint may be made or if, it is already made, may be continued by his legal representatives or by any other person who is authorized by him in writing in this behalf.

(2) A complaint could be on a plain paper but should contain all such details as prescribed by the Lokpal.

(3) On receipt of a complaint, the Lokpal shall decide whether it is an allegation or a grievance or a request for whistleblower protection or a mixture of two or more of these.

(4) Every complaint shall have to be compulsorily disposed of by the Lokpal within a specified time as may be prescribed:
Provided that no complaint, other than those which are anonymous, shall be closed without hearing the complainant.

Matters to be investigated by the Lokpal.

17. Subject to the provisions of this Act, the Lokpal may investigate any action which is taken by or with the general or specific approval of a public servant where a complaint involving a grievance or an allegation is made in respect of such action:
Provided that the Lokpal may also investigate such action suo-motu or if it is referred to it by the Government, if such action can be or could have been in his recorded opinion, subject of a grievance or an allegation.

18. (1) The Lokpal shall not conduct any investigation under this Act in case of a grievance in respect of any action,—

5  (i) if the complainant has or had, any remedy by way of appeal, revision, review or any other remedy
before any other authority provided in any other law and he has not availed of the same;

(ii) taken by a judicial or quasi-judicial body, unless the complainant alleges malafides;

(iii) if the substance of the entire grievance is pending before any court or quasi-judicial body of competent jurisdiction;

(iv) if there is inordinate and inexplicable delay.

(2) Nothing in this Act shall be construed as authorising the Lokpal to investigate any action which is taken by or with the approval of the Presiding Officer of either House of Parliament.

(3) The provisions of this Act shall be in addition to the provisions of any other enactment or any rule or law under which any remedy by way of appeal, revision, review or in any other manner is available to a person making a complaint under this Act in respect of any action and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

(4) Nothing in this section shall bar the Lokpal from entertaining a complaint making an allegation of misconduct or corruption or a complaint from a whistleblower seeking protection.

19. (1) The Lokpal, on receipt of a complaint in the nature of an allegation or a grievance or a combination of the two, or in a case initiated on his own motion, may on perusing the documents, either decide to proceed to inquire or investigate into that complaint or decide, to make such preliminary inquiry before proceeding to inquire or investigate into such complaint or direct any other person to make such preliminary inquiry as it deems fit for ascertaining whether there exists reasonable ground for conducting the investigation.

(2) The outcome of such preliminary inquiry, and if the complaint is being closed along with reasons for the same and all material collected during preliminary inquiry, shall be communicated to the complainant:
Provided that if any case is closed, all documents related thereto shall thereafter be treated as public:

Provided further that if the complaint contains verifiable and specific information about misconduct or corruption, then that case shall not be rejected even if the complaint is anonymous:

Provided also that no complaint of allegation shall be rejected by questioning the motives or intention of the complainant:

Provided again that all hearings before the Lokpal shall be video recorded and shall be available to any member of the public on payment or copying costs.

(3) Every month, a list of all such cases shall be put on the website with reasons for closing a case and all material connected with such closed cases will be provided to anyone seeking it under Right to Information Act, 2005.

(4) The procedure for preliminary inquiry of a complaint shall be such as the Lokpal deems appropriate in the circumstances of the case and in particular, the Lokpal may, if it deems necessary to do so, call for the comments of the public servant concerned:

Provided that the preliminary inquiry shall be completed and a decision shall be taken whether to close a case or to proceed with investigations within one month of receipt of any complaint.

(5) Where the Lokpal proposes, either directly or after making preliminary inquiry, to conduct any investigation under this Act, he,—

(a) may make such order as to the safe custody of documents relevant to the investigations, as it deems fit;

(b) at appropriate stage of investigations or in the end, shall forward a copy of the complaint, his findings and copy of the material relied upon to the concerned public servant and the complainant;
(c) shall afford to such public servant and the complainant an opportunity to offer comments and be heard:

Provided that such hearing shall be held in public, except in such rare circumstances, to be recorded in writing, it may be held in camera.

(6) The conduct of an investigation under this Act against a Public servant in respect of any action shall not affect such action, or any power or duty of any other public servant to take further action with respect to any matter subject to the investigation.

(7) If, during the course of preliminary inquiry or investigation under this Act, the Lokpal is prima facie satisfied that the allegation or grievance in respect of any action is likely to be sustained either wholly or partly, he may, through an interim order, direct the public servant concerned to stay the implementation or enforcement of the decision or action complained against, or to take such mandatory or preventive action, on such terms and conditions, as he may specify in his order to prevent further harm from taking place.

(8) The Lokpal, either during the course of investigations, if he is satisfied that prosecution is likely to be initiated in that case, or at the end of the investigations at the time of initiating prosecution, shall make a list of the assets of all the accused in that case and shall notify the same.

(9) In the event of final conviction, the court shall be empowered to recover loss determined under section 20 of this Act from this property and transfer any of property subsequent to the date of notification by the Lokpal under this sub-section shall be treated as null and void.

(10) If during the course of investigation or inquiry into a complaint. The Lokpal feels that continuance of a public servant in that position could adversely affect the course of investigations or inquiry or that the said person is likely to influence evidence or witnesses, the Lokpal may issue appropriate orders including transfer
of that public servant from that position or his suspension:

Provided that such orders shall not be passed against the Prime Minister.

(11) In case of a grievance, the Lokpal may issue interim orders to the appropriate authority recommending grant of interim relief to the complainant, if he is satisfied at any stage of preliminary inquiry or investigation that the complainant has sustained injustice or undue hardship in consequence of any decision or action of a public servant.

(12) The Lokpal may, at any stage of inquiry or investigation under this Act, direct through an interim order, the appropriate authorities to take such action as is necessary, including suspension of a Government servant, pending inquiry or investigation,—

(i) to safeguard wastage or damage of public property or public revenue by the administrative acts of the public servant;

(ii) to prevent further acts of misconduct by the public servant;

(iii) to prevent the public servant from secreting the assets allegedly acquired by him by corrupt means.

(13) Where after investigation into a complaint, the Lokpal is satisfied that the complaint involving an allegation against the public servant is substantiated and that the public servant concerned should not continue to hold the post held by him, the Lokpal shall pass orders to that effect:

Provided that if public servant is a Government servant, he shall be deemed to have vacated the position with effect from receipt of such order.

(14) In case of public servants other than Government servants the Lokpal shall make such recommendation to the President, who shall decided either to accept such recommendation or reject it within a month of its
(15) If, after inquiry into a grievance and after affording reasonable opportunity of being heard to both the complainant and the public authority, the Lokpal is satisfied that such grievance is substantiated either wholly or partly, he shall,—

(i) pass appropriate orders directing appropriate authorities to redress the grievance in a manner and within the time prescribed in the order, and

(ii) direct the appropriate authorities to deduct from the salary of the officials mentioned in the order amount calculated and specified in the order at the rate of Rs. Two Hundred Fifty per day of delay calculated from day the time limit mentioned in citizens' charter for redressing that grievance got over, and

(iii) direct the appropriate authorities to compensate the complainant with such amounts as mentioned in the order:

Provided that any grievance shall be disposed within fifteen days of its receipt:

Provided further that if, it relates to life and liberty of a person or if the matter is such as to warrant immediate attention and the Lokpal is so satisfied, the same shall be disposed within forty eight hours.

(16) All records and information of the Lokpal shall be public and shall be provided under Right to Information Act, 2005 even at the stage of investigation or inquiry, unless release of such information would adversely affect the process or inquiry or investigation:

Provided that no information in any case shall be withheld under the Right to Information Act, 2005 after the completion of inquiry or investigation.

(1) A whistleblower may write to the Lokpal seeking protection from threat of physical or professional victimization or if he has been subjected to such professional or physical victimization.
(2) On receiving such a complaint, the Lokpal shall take following steps,—

35  (a) On threat of professional victimization the Lokpal shall conduct appropriate inquiries and if, it feels that there is a real threat to the person and the threat is on account of that person having made an allegation under this Act, then the Lokpal shall pass appropriate orders, as soon as possible but in not more than a month of receipt of such complaint, directing appropriate authorities to take such steps as directed by the Lokpal.

40  (b) If a person complains that he has already been victimized professionally on account of making an allegation under this Act, the Lokpal shall, after conducting inquiries, if he is of the opinion that the victimization is indeed because of that person's having made an allegation under this Act, pass appropriate orders, as soon as possible but in not more than a month, directing appropriate authorities to take such steps as directed by the Lokpal:

45  Provided that for clause (a) the Lokpal may, but for clause (b) the Lokpal shall, also issue orders imposing penalties under Central Civil Services Conduct Rules against the officer or officials who issued threats or caused victimization:

Provided further that no such penalties shall be imposed without giving an opportunity of being heard to the affected officials.

(c) On threat of physical victimization, the Lokpal shall conduct appropriate inquiries and if, it feels that there is a real threat to the person and the threat is on account of that person having made an allegation under this Act or for having filed an under the Right to Information, Act, 2005 application to any public authority covered under this Act, then notwithstanding anything contained in any other law, the Lokpal shall pass appropriate orders, as soon as possible but in not more than a week, directing appropriate authorities, including police, to take such steps as directed by the Lokpal to provide adequate security to that person, to register criminal cases against those who are issuing threats and also to take all such steps necessary to mitigate circumstances leading to such threat:
Provided that if the threat is imminent, the Lokpal may decide to act immediately, within a few hours to prevent physical assault on that person.

(d) If a person complains that he has already been physically assaulted on account of making an allegation under this Act and if the Lokpal is satisfied after conducting inquiries that the person has been assaulted because of his having made an allegation under this Act or for filing an application in any of the public authorities covered under this Act, then notwithstanding anything else contained in any other law, the Lokpal shall pass such orders, as soon as possible but in not more than twenty-four hours, directing the concerned authorities to take such steps as directed by the Lokpal to provide adequate security to that person, to register criminal cases and also to ensure that no further harm is done to that person.

(e) If the whistleblower has alleged an act punishable under the Prevention of Corruption Act, 1988 then for cases under clause (c), the Lokpal may and for cases under clause (d), the Lokpal shall, assign the allegations made by that person to a special team, put it on a fast track and complete investigations in that case in not more than a month.

(f) If the whistleblower has alleged an act punishable under any law other than the Prevention of Corruption Act, 1988 then for cases under clause (c), the Lokpal may and for cases under clause (d), the Lokpal shall, direct the agency which has the powers to enforce that law to assign the allegations made by the whistleblower to a special team, put it on a fast track and complete investigation in that case in such time as directed by the Lokpal.

(g) The Lokpal shall have the powers to issue directions to appropriate agencies in the cases covered under clause (f), monitor such investigations and if necessary, issue directions to that agency to do the investigations
in the manner as directed by the Lokpal.

(3) If any complainant requests that his identity should be kept secret, the Lokpal shall ensure the same and shall prescribe detailed procedures on how such complainants shall be dealt with.

(4) The Lokpal shall issue orders to the public authorities to make necessary changes in their policies and practices to prevent recurrence of victimization.

CHAPTER V

GRIEVANCE REDRESSAL SYSTEMS

21. (1) Each public authority shall be responsible for ensuring the preparation and implemention of Citizens’ Charter, within a reasonable time, and not exceeding one year from the coming into force of this Act.

(2) Every Citizens’ Charter shall enumerate the commitments of the respective public authority to the citizens, officer responsible for meeting such commitment and the time limit within which the commitment shall be met.

(3) Each public authority shall designate an official called Public Grievance Redressal Officer, whom a complainant shall approach for any violation of the Citizens’ Charter.

(4) Every public authority shall review and revise its Citizens’ Charter at least once every year through a process of public consultation.

(5) The Lokpal may by an order direct any public authority to make such changes in their Citizens’ Charter as are mentioned in that order.

(6) No grievance shall be accepted by the Lokpal if fifteen days have not elapsed after submission of complaint by the complainant with the Public Grievance Redressal Officer of Public Authority:

Provided that if the Lokpal feels that considering the gravity or urgency of the grievance, it is necessary to do so, the Lokpal may decide to accept such grievance
CHAPTER VI

AUTHORITIES AND STAFF OF LOKPAL

22. (1) There shall be a Chief Vigilance Officer in each public authority to be selected and appointed by the Lokpal.

(2) The Chief Vigilance Officer shall not be from the same public authority and shall be a person of impeccable integrity and ability to take proactive measures against corruption.

(3) The Chief Vigilance Officer shall be responsible for accepting complaints against any public authority and shall transfer the complaints related to other public authorities within two days of receipt.

(4) The Chief Vigilance Officer shall be responsible for carrying out all such responsibilities as assigned to him from time to time by the Lokpal including dealing with complaints in the manner as laid down by the Lokpal from time to time:

Provided that the complaints which require investigations under the Prevention of Corruption Act, 1988 shall be transferred to the Investigative Wing of the Lokpal:

Provided further that the complaints, other than grievances, against officers of the level of Joint Secretary or above shall not be dealt by the Chief Vigilance Officer and shall be transferred to the Lokpal, who shall set up a committee of Chief Vigilance Officers of three other public authorities to inquire into such complaint.

23. (1) There shall be such officers and employees as may be prescribed to assist the Lokpal in the discharge of his functions under this Act.

(2) The number and categories of officer and employees shall be decided by the Lokpal in consultation with the Government.

(3) The categories, recruitment and conditions of service

Chief Vigilance Officer.
of the officers and employees referred in sub-section (1) including such special conditions or special pay as may be necessary for enabling them to act without fear in the discharge of their functions, shall be such as may be prescribed according to the recommendations of the Lokpal:

Provided that no official, whose integrity is in doubt, shall be considered for being posted in Lokpal:

Provided further that all officers and employees, who work in Lokpal on deputation or otherwise shall be eligible for the same terms and conditions as prescribed under this clause.

(4) Without prejudice to the provisions of sub-section (1), the Lokpal may for the purpose of conducting investigations under this Act utilize the services of—

(a) any officer or investigating agency of the Government; or

(b) any officer or investigating agency of any other Government with the prior concurrence of that Government; or

(c) any person or any other agency.

(5) The officers and other employees referred to in sub-section (1) shall be under the administrative and disciplinary control of the Lokpal.

(6) The Lokpal shall have the power to choose its own officials for which the Lokpal may enlist officials on deputation from other Government agencies for a fixed tenure or it may enlist officials on permanent basis from other Government agencies or it may appoint people from outside on permanent basis or on a fixed tenure basis.

(7) The Staff and officers shall be entitled to such pay scales and other allowances, which may be different and more than the ordinary pay scales in the Central Government, as are decided by the Lokpal from time to time, in consultation with the Prime Minister, so as to
attract honest and efficient people to work in the Lokpal.

Repeal and savings.


(2) Notwithstanding such repeal, any act or thing done under the said Act shall be deemed to have been done under this Act and may be continued and completed under the corresponding provisions of this Act.

(3) All inquiries and investigations and other disciplinary proceedings pending before the Central Vigilance Commission and which have not been disposed of, shall stand transferred to and be continued by the Lokpal as if they were commenced before him under this Act.

(4) Notwithstanding anything contained in any Act, the posts of the Secretary and other Officers and Employees of the Central Vigilance Commission are hereby abolished and they are hereby appointed as the Secretary and other officers and employees of the Lokpal.

(5) The salaries, allowances and other terms and conditions of services of the said secretary, officers and other employees shall, until they are varied, be the same as to which they were entitled to immediately before the commencement of this Act.

(6) All vigilance administration under the control of all Ministries/Departments of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government shall stand transferred, along with its personnel, assets and liabilities to the Lokpal for all purposes.

(7) The personnel working in vigilance wings of the agencies mentioned in sub-section (6) shall be deemed to be on deputation to the Lokpal for a period of five years from the date they are transferred to the Lokpal:

Provided, the Lokpal may decided to repatriate any personnel anytime.
(8) The Department from where any personnel have been transferred to the Lokpal under sub-section (6) shall cease to have any control over the administration and functions of transferred personnel.

(9) The Lokpal shall rotate the personnel and create vigilance wing of each department in such a way that no personnel from the same department get posted for vigilance functions in the same department.

(10) No person shall be employed with the Lokpal against whom any vigilance inquiry or any criminal case is pending at the time of being considered.

25. (1) There shall be an investigation wing at the Lokpal.

49 of 1988. (2) Notwithstanding anything contained in section 17 of the Prevention of Corruption Act, 1988 such officers of Investigation wing, upto the level as decided by the Lokpal, shall have, in relation to the investigation and arrest of persons throughout India, in connection with investigation of complaints under this Act, all the powers, duties, privileges and liabilities which members of Delhi Special Police Establishment have in connection with the investigation of offences committed therein.

49 of 1988. (3) The part of the Delhi Special Police Establishment, in so far as it relates to investigation and prosecution of offences alleged to have been committed under the Prevention Corruption Act, 1988, shall stand transferred, along with its employees, assets and liabilities to the Lokpal for all purposes.

(4) The part of the Delhi Special Police Establishment, which has been transferred under sub-section (3), shall form part of Investigation Wing of the Lokpal.

(5) The Central Government shall cease to have any control over the transferred part and its personnel.

(6) The salaries, allowances and other terms and conditions of services of the personnel transferred under sub-section (3) shall be the same as to which they were entitled to immediately before the commencement
of this Act.

20 (7) All cases which were being dealt by that part of the Delhi Special Police Establishment, which has been transferred under sub-section (3), shall stand transferred to the Lokpal.

(8) After completion of investigation in any case, the investigation wing shall present the case to an appropriate bench of the Lokpal, which shall decide whether to grant permission for prosecution or not.

25 26. (1) The Complaints against employees or officers of the Lokpal shall be dealt with separately and as per provisions of this section.

(2) There shall be a separate wing in the Lokpal to deal with complaints against officers or staff of the Lokpal.

49 of 1988 (3) Complaint under this section may relate to an allegation of an offence punishable under the Prevention of Corruption Act, 1988 or a misconduct or a dishonest inquiry or investigation.

(4) As soon as such a complaint is received the same shall be displayed on the website of the Lokpal along with the contents of the complaint.

(5) Investigations into each such complaint shall be completed within a month of its receipt.

35 (6) In addition to examining the allegations against the said official, the allegations shall especially be examined against sections 107, 166, 167, 177, 182, 191, 192, 196, 199, 200, 201, 202, 204, 217, 218, 219, 463, 464, 468, 469, 470, 471, 474 of the Indian Penal Code, 1860.

45 of 1860.

(7) If, during the course of investigations, the Lokpal feels that the charges are likely to be sustained, the Lokpal shall divest such officer of all his responsibilities and powers and shall place him under suspension.
(8) If after completion of inquiry or investigations, the Lokpal decides to prosecute that person under the Prevention of Corruption Act, 1988 or holds him guilty of any misconduct or of conducting dishonest inquiry or investigations, then that person shall not work with the Lokpal anymore.

(9) The Lokpal shall either dismiss that person from the job, if that person is in the employment of the Lokpal, or shall repatriate him, if he is on deputation:

Provided that no order under this clause shall be passed without giving reasonable opportunity of being heard to the accused person:

Provided further that order under this clause shall be passed with fifteen days of completion of investigations.

(10) The Lokpal shall take all steps to ensure that all inquiries and investigations on complaints against its own staff and officials are conducted in most transparent and honest manner.

CHAPTER VII
MISCELLANEOUS

27. (1) No suit, prosecution, or other legal proceedings shall lie against the Chairperson or members or against any officer, employee, agency or person referred to in Section 15(4) in respect of anything which is done in good faith while acting or purporting to act in the discharge of his official duties under this Act.

(2) No proceedings of the Lokpal shall be held to be bad for want of form and except on the ground of jurisdiction, no proceedings or decision of the Lokpal shall be liable to be challenged, reviewed, quashed or called in question in any court of ordinary Civil Jurisdiction.

28. (1) Every public servant, other than those mentioned in section 2(k) (i) to (iii), shall within three months after the commencement of this Act and thereafter before the 30th June of every year submit to
the head of the public authority, in the form prescribed by Lokpal, a statement of his assets and liabilities and those of the members of his family.

(2) Public servants mentioned in section 2 (k) (i) to (iii) shall submit their returns in a format prescribed by the Lokpal to the Lokpal with the aforesaid time lines.

(3) The Head of each public authority shall ensure that all such statements are put on the website by the 31st of August of that year.

(4) If no such statement is received by the Head of that public authority from any such public servant within the time specified in sub-section (1), the Head of that public authority shall direct the concerned public servant to do so immediately and if within next one month, the public servant concerned does not submit such statement, the Head shall stop the salary and allowances of that public servant till he submits such statement.

(5) The Lokpal on new compliance sub-section (1) and (2) may initiate prosecution against such public servant under Section 176 Indian Penal Code, 1860.

(6) If any public servant furnishes any statement, which is subsequently found to be incorrect, then the Lokpal, in addition to taking action against the said public servant under other sections of this Act, may also impose a penalty upto a maximum of fifty per cent of the value of the additional property subsequently detected.

(7) The Lokpal shall also intimate such information to the Income Tax Department for appropriate action.

Explanation.—In this section “family of a public servant” means the spouse and such children and parents of the public servant as are dependent on him.

29. (1) The Lokpal shall be competent to delegate its powers and assign functions to the officials working in the Lokpal.

(2) All functions carried out and powers exercised by such officials shall be deemed to have been so done by
the Lokpal:

Provided that the following functions shall be performed by the benches and cannot be delegated:

(i) granting permission to initiate prosecution in any case;

(ii) Order for dismissal of any Government servant under CCS Conduct Rules;

(iii) passing orders under section 10 on complaints against officials and staff of the Lokpal;

(iv) pass orders in cases of complaints, other than grievances, against officers of the level of Joint Secretary and above.

30. (1) The Preliminary inquiry under sub-section (1) of section 19 of this Act be completed within a month of receipt of complaint:

Provided that the inquiry officer shall be liable for an explanation if the inquiry is not completed within this time limit.

(2) Investigation into any allegation shall be completed within six months, and in any case, not more than one year, from the date of receipt of complaint.

31. (1) Notwithstanding anything contained in this Act, if someone makes any false or frivolous complaint under this Act, the Lokpal may impose such fines on that complainant as it deems fit:

Provided that no fine can be imposed without giving such person a reasonable opportunity of being heard.

(2) Fines imposed under sub-section (1) shall be recoverable as dues of land revenue.

32. (1) The Lokpal shall, at regular intervals either study itself or cause to be studied the functioning of all public authorities falling within its jurisdiction and in consultation with respective public authority, issue such directions as it deems fit to prevent incidence of
corruption in future.

(2) The Lokpal shall also be responsible for creating awareness about this Act and involving general public in curbing corruption and maladministration.

33. Notwithstanding anything contained in this Act, the President, in consultation with the Lokpal or on request of the Lokpal may, by order, make such provision,—

25 (i) for bringing the provisions of this Act into effective operation:

(ii) for continuing the inquiries and investigations pending before the Central Vigilance Commission by the Lokpal.

34. The Provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force.

35. The Lokpal shall have power to make its own regulations for the smooth functioning of the institution and to effectively implement various provisions of this Act.

36. (1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act:

Provided that such rules shall be made only in consultation and with the approval of the Lokpal.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for,—

40 (i) the allowance and pensions payable to and other conditions of service of the Chairperson and members of the Lokpal;

(ii) the powers of a Civil Court which may be exercised by the Lokpal under clause (h) of sub-section (2) of section 10.

Removal of difficulties.

Overriding effect of the Act.

Power to make regulations.

Power to make Rules.
(iii) the salary, allowances, recruitment and other conditions of service of the employees of the Lokpal;

(iv) any other matter for which rules have to be made are necessary under this Act.

(3) Any rule made under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a Statement laid before both Houses of the Parliament.

CHAPTER VIII
AMENDMENT TO THE PREVENTION OF CORRUPTION ACT, 1988

Amendment of Prevention of Corruption Act.

37. In the Prevention of Corruption Act, 1988,—

(a) section 19 shall be omitted.

(b) after section 16 the following section shall be inserted namely:

"16A. The Special Judge on conviction of an accused shall also qualify the loss caused to the Government and apportion that amount to various convicts from whom this money shall be recovered as arrears of land revenue."

(c) in section 7, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.

(d) in section 8, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.

(e) in section 9, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.

(f) in section 10, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.
(g) in section 11, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.

(h) in section 12, for the words “six months but which may extend to five years” the words “five years which may extend to life imprisonment” shall be substituted.

(i) in section 13, sub-section (2) for the words “one year but which may extend to seven years” the words “five years which may extend to life imprisonment” shall be substituted.

(j) in section 14, for the words “two years but which may extend to seven years” the words “five years which may extend to life imprisonment” shall be substituted.

(k) in section 15, for the words “three years” the words “life imprisonment” may be substituted.
EXPANDING HORIZONS OF FREEDOM OF SPEECH AND EXPRESSION AND THE JUDICIAL RESPONSE

Questionnaire*

Information about the respondent

Name : 
Address : 
Age : 
Gender : 
Occupation : 
Organization : 
E-Mail : 

1. India is a democratic country. Which of the following do you think is important in a democracy?
   (a) Only Rights   (b) Only Duties
   (c) Both Rights and Duties

2. Which of the following should be treated as important for the success of a democracy?
   (a) Individual liberty   (b) Social Interest
   (c) Balance between individual liberty and social interest

* The names and the information provided herein will be kept strictly confidential and the information will be used only for analysis purposes for the research work - Jasneet Kaur Walia
3. Do you know about the fundamental rights available to individuals under the Constitution of India?
   (a) Yes  (b) No  (c) Not aware

4. Do you know about the fundamental right to freedom of speech and expression available under Article 19(1)(a) of the Constitution?
   (a) Yes  (b) No  (c) Not aware

5. Do you think freedom of speech and expression is essential in a democracy?
   (a) Yes  (b) No  (c) Not aware

6. Do you agree that freedom of speech and expression gets abused by the individuals?
   (a) Never  (b) Sometimes  (c) Mostly

7. Do you know that freedom of speech and expression has certain restrictions imposed on it?
   (a) Yes  (b) No  (c) Not aware

8. Do you agree that the fundamental right to freedom of speech and expression must be restricted on some grounds?
   (a) Yes  (b) No  (c) Not aware

9. Do you know there are certain grounds on the basis of which freedom of speech and expression can be reasonably restricted?
   (a) Yes  (b) No  (c) Not aware

10. The Indian judiciary has interpreted the freedom of speech very liberally, as a result of which the scope of this freedom has widened. Do you think it is justified?
    (a) Yes  (b) No  (c) Not aware
11. Do you think freedom of speech and expression should include freedom of press?
   (a) Yes   (b) No   (c) Not aware

12. Do you think freedom of press should be specifically included as an independent fundamental right?
   (a) Yes   (b) No   (c) Not aware

13. Freedom of press has been interpreted by the judiciary as a part of freedom of speech. Do you think that in a democracy, the press should be free and independent?
   (a) Yes   (b) No   (c) Not aware

14. Do you agree that an independent press, which includes the media, tends to abuse its freedom?
   (a) Never   (b) Sometimes   (c) Mostly

15. Do you know that the freedom of press is restricted on the same grounds as freedom of speech?
   (a) Yes   (b) No   (c) Not aware

16. Can you name any four grounds on the basis of which freedom of speech and press are restricted?
   (a) Yes   (b) No   (c) Not aware

   If yes, please name any four grounds of restriction-
   (i) ......................   (ii) ......................
   (iii) ......................   (iv) ......................

17. Do you think that on the pretext of freedom of speech, the media invades the privacy of individuals?
   (a) Never   (b) Sometimes   (c) Mostly
18. Do you think publicity by media of an individual’s private life is justified?
(a) Yes       (b) No       (c) Not aware

19. Do you think publicity by media of a celebrity’s private life is justified?
(a) Yes       (b) No       (c) Not aware

20. Do you think that on the pretext of freedom of speech, the media transcends the limits of decency and morality?
(a) Never       (b) Sometimes       (c) Mostly

21. Do you think freedom of speech gives to the media, a right to publicize matters pending before the court?
(a) Yes       (b) No       (c) Not aware

22. Do you think the judicial decisions are affected by the media trial?
(a) Yes       (b) No       (c) Not aware

23. Do you agree that trial by media results in miscarriage of justice?
(a) Yes       (b) No       (c) Not aware
If yes, please give any example-
(i)...................       (ii) .......................       (iii)......................

24. Do you agree that reporting of criminal matters by the media has helped in the administration of justice?
(a) Yes       (b) No       (c) Not aware
If yes, give any example-
(i)...................       (ii) .......................       (iii)......................
25. Do you agree that freedom of speech given to an individual has a tendency to cause injury to the reputation of others?
   (a) Never  (b) Sometimes  (c) Mostly

26. Do you think there are adequate legal remedies to control online defamation?
   (a) Yes  (b) No  (c) Not aware

27. Can you suggest some remedies against abuse of freedom of speech?
   (a) Yes  (b) No  (c) Not aware
   If yes, please suggest some remedies:
   (i)..........................  (ii).........................
   (iii)..........................

28. Do you agree that the law related to freedom of speech is ill equipped to control the indecent representation of women in the media?
   (a) Yes  (b) No  (c) Not aware

29. Do you agree that freedom of speech given to individuals has a tendency of creating hatred amongst different communities?
   (a) Never  (b) Sometimes  (c) Mostly

30. Do you think freedom of speech includes freedom to protest peacefully?
   (a) Yes  (b) No  (c) Not aware

31. Do you think the people have a right to use public spaces for the purpose of a peaceful protest?
   (a) Yes  (b) No  (c) Not aware
32. Do you think freedom of speech includes the right to strike?
   (a) Yes       (b) No       (c) Not aware

33. Does freedom of speech include a right to criticize the government?
   (a) Yes       (b) No       (c) Not aware

34. Does freedom of speech include a right to criticize the judiciary?
   (a) Yes       (b) No       (c) Not aware

35. Do you think adequate safeguards are available to protect a person from contempt proceedings if he expresses his true opinion against the judiciary?
   (a) Yes       (b) No       (c) Not aware

36. Do you believe that the defence of ‘truth in public interest’ can be successfully pleaded in contempt of court proceedings?
   (a) Yes       (b) No       (c) Not aware

37. Do you agree that an action for “contempt of court” deters the media from reporting judicial proceedings?
   (a) Yes       (b) No       (c) Not aware

38. Do you think censorship of the media by the government is justified?
   (a) Yes       (b) No       (c) Not aware

39. Do you believe investigative journalism flows from freedom of speech and is in the interest of the general public?
   (a) Yes       (b) No       (c) Not aware

40. Do you think freedom of speech should include freedom of publication?
41. Do you think freedom of speech includes right to publish one’s reply against a newspaper reporting?
   (a) Yes (b) No (c) Not aware

42. Do you think the various laws impose too many restrictions on one’s freedom of speech and expression?
   (a) Yes (b) No (c) Not aware

43. In which of the following cases do you think censorship of freedom of speech is justified? (You may enter more than one choice)-
   (a) Fraudulent advertising, (b) Speech infringing copyright,
   (c) Hate speech, (d) Pornography,
   (e) Broadcast of movies and television programmes,
   (f) Disclosure of official information,
   (g) Speech infringing privacy or reputation of others
   (h) Reporting judicial proceedings,
   (i) Reporting legislative proceedings
   (j) none of the above,
   (k) all of the above

44. Do you think the legal machinery is adequately equipped to deal with the matters mentioned in the previous question?
   (a) Yes (b) No (c) Not aware

If No, what are the reasons- ? (You may enter more than one choice)-
   (a) Inadequacy of laws (b) Complicated and tedious procedures
45. Which of the following do you think may help in regulating the abuse of the freedom of speech and expression? (You may enter more than one choice)-

(a) Better laws (b) Better implementation of existing laws
(c) Role of education (d) Role of judiciary
(e) Role of NGO’S (f) Self-restraint  (g) any other
(h) none of the above.

46. Which of the following is the most important in a democracy?

(i) Freedom of speech and of press; (ii) restrictions on one’s freedom of speech to protect right to privacy and reputation of another; (iii) censorship of media to prevent media trial and disclosure of official information.

(Arrange in increasing order starting from the least important):

(a) (i),(ii),(iii)   (b) (i),(iii),(ii)
(c) (ii),(iii),(i)   (d) (ii),(i),(iii)
(e) (iii),(ii),(i)   (f) (iii),(i),(ii).

47. Do you agree that besides natural persons, the protection of freedom of speech and expression under Article 19(1)(a) must be extended to the companies and corporations incorporated under the law for the time being in force in India?

(a) Yes  (b) No  (c) Not aware
48. Do you agree that the constitutional provisions safeguarding one’s freedom of speech and expression are adequate?
   (a) Yes       (b) No       (c) Not aware

49. Do you think that besides Article 19(1) (a), more legal provisions should be there to protect freedom of speech?
   (a) Yes       (b) No       (c) Not aware

50. Do you think that the role of judiciary in safeguarding the freedom of speech has been adequate?
   (a) Yes       (b) No       (c) Not aware

51. Do you think the list of “reasonable restrictions” imposed on freedom of speech and expression needs to be modified?
   (a) Yes       (b) No       (c) Not aware

52. The restrictions on freedom of speech and expression include the following:
    (i) Security of State     (ii) Friendly relations with foreign states
    (iii) Public order        (iv) Decency or Morality
    (v) Contempt of Court     (vi) Defamation
    (vii) Incitement of an offence
    (vii) Sovereignty and integrity of India

   Do you think that the freedom of speech and expression must be restricted on these grounds?
   (a) All of the above       (b) None of the above
   (c) Most of the above      (d) More grounds need to be added
53. Can you suggest some grounds (apart from the abovementioned grounds) on which freedom of speech and expression can be reasonably restricted?

(a) Yes  (b) No  (c) Not aware

If yes, please name the grounds-

(i)................................... (ii)...........................................

(iii)..............................

54. Do you think the existing legal framework is adequate to deal with the expanding scope of freedom of speech and expression and its possible abuse?

(a) Yes  (b) No  (c) Not aware

55. Suggestions (if any)-

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